

THE I.C.S.
THE INDIAN CIVIL SERVICE

by
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K.C.I.E., O.B.E.

with a foreword by
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To
MY WIFE

who has spent thirty-four years with me in India,
and knows as much about the I.C.S. as I do.

AUTHOR'S PREFACE

Few people trouble to read a preface. Accordingly this one will be brief, all the more that I have made any introductory remarks that I have to make in the first chapter.

I acknowledge my gratitude to Messrs. Faber and Faber on two counts; firstly, because they thought that the I.C.S. deserved a book, and secondly, because they invited me, when many others were available, to write it.

I have further to offer my warm thanks to many people who have helped me, as follows:

Lord Hailey, ex-Governor first of the Punjab and then of the United Provinces, who has been kind enough to write the foreword. I regard this as equivalent to an *imprimatur*.

Miss Ratcliffe, who was unwearying in helping me to bring the book into form, and knows as much about it as I do.

A number of friends, both in and out of the service, who did not spare themselves (or me), in suggesting improvements. Of these I have taken full advantage.

And lastly, certain critics on the hearth, who have told me in the plainest terms exactly what they thought of the book, and have thereby done both the book (and me), a lot of good.

And of those critics, especially that one to whom the book is dedicated.

E. A. H. B.

FOREWORD

There was a time when those who thought of a career in the Indian civil service felt that they could take India on trust. 'By faith Abraham when he was called to go out into a place which he should after receive for an inheritance, obeyed; and he went out not knowing whither he went.' A faith so unquestioning is not easy to-day. A candidate for the service knows that he will have to face altered conditions, under a constitution which places him in a new relation to Indian ministers; and he will meet some who will tell him that he will go out to share in the last agonies of a dying service, and in the exequies of a lost dominion. He cannot afford to be as incurious as his elders were; and he needs counsel. It is the experience of many of those from whom advice has been sought by candidates, that they feel little real anxiety about some matters which loomed large in the parliamentary discussions on the Government of India Act; it is their parents who (naturally enough) ask about the security of pensions, or the maintenance of the conditions of pay, not the candidates themselves. But the latter are seriously concerned to know, in as concrete terms as possible, what is actually the work which falls to the lot of the civilian in India. Is it the kind of work in which a man can feel pride and a sense of responsibility? They are prepared for change; they belong to a generation that has seen in a few years more changes in the world than their elders have seen in a long lifetime. But will the changes in India be such as to put an undue strain on their sense of self-respect, or threaten the feeling of pride which is the foundation of all good service?

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On the first question, Sir Edward Blunt gives the amplest information, which will commend itself not only to the prospective civilian, to his parents, and to the reader who is interested in India, but to those already in service in India. Many of us have long felt the need of a really informative picture of the day to day work of Indian administration, and of the background in which that work is discharged; I certainly when in service should have valued an account such as he presents. I know also that many of those who are interested in colonial administration in other parts of the world have sought for a picture of this kind; there is a keen interest not only on the part of our own colonial services, but among French and Belgian administrators, in the work of the I.C.S. Sir Edward Blunt has been able to draw on a long experience in one of the largest provinces in India, all the more valuable for this purpose, because his career embraced not only district charges, but a wide range of other service in settlement, census and secretariat posts, added to an intimate acquaintance with the working of a provincial legislative council. On the second question he has taken, and I think advisedly, a realistic attitude; men now want something more than prophecy and comfortable assurance. Many of us also, like Hamlet, 'defy augury'. But we may each of us have our own beliefs in this matter, based on such faith as our own experiences give us. Those who anticipate that the position of the Indian civilian will be prejudiced under the new constitution doubtless look to see its influence less in any change in the nature of his work, than in the spirit in which it is directed and in the support it will receive. But for myself, I do not believe that the momentum which a great administration has acquired in the past can fail to continue to exert itself in the future, or that the traditions which a great service has established will be lightly disregarded by the new authorities who will control its executive functions. Ministers in office under the passing

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regime have never shown themselves slow to acknowledge their dependence on the administrative services; their successors, now deprived of the support of their official colleagues in the executive and legislative councils, will be more than ever dependent on the services to secure that efficiency on which, in the long run, will depend the position of the ministers themselves. These factors will most certainly count; and it may well be that they may prove decisive in the future of the Indian civil service.

HAILEY.

12th February, 1937.

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THE I.C.S.

CHAPTER I

The Scope and Object of the Book

THE term 'civil service' was first used by the East India Company¹ as a name for its establishment of non-military, or 'civilian', employees in India, to distinguish it from its military, maritime and ecclesiastical establishments. These civilian employees were originally traders: but when the Company began to acquire territories, it was gradually transformed from a commercial corporation into a government, and its 'civil servants' from traders into administrators. Thus the term 'civil service' acquired its present restricted meaning of the non-combatant branches of the administrative service of the state.

By 1765, the use of the term was well-established. 'Civil servants' are mentioned in the new covenants which the Company brought into force in that year, and in two letters, of 1765 and 1766 respectively, from Clive to the directors.² A private letter of 1765³, preserved at the India Office, contains a statement that 'the Company's civil service is the only certain track to a fortune or preferment.' Caraccioli, in his *Life of Clive*, written about 1777⁴, uses

¹See *Oxford English Dictionary*, *sub voce* 'civil service'.

²The covenant and the two letters are quoted in Caraccioli's *Life of Clive*, Vol. II, pages 86, 189 and 333.

³Home Miscellaneous Series, Vol. 765, page 153; quoted in Spears' *The Nabobs*, page 33.

⁴The book is undated: internal evidence suggests the period 1775 to 1780, though the *Oxford English Dictionary* puts it 'circa 1785'. Caraccioli also uses the word 'civilian' in the sense 'member of the civil service'.

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both terms freely. And the Charter Act of 1793 refers to 'the covenanted civil service of India'.¹ This remained the official designation of the service for about a century: the word 'covenanted' was then dropped, and for the past forty years or so, its correct name has been the 'civil service of India'. But neither name has passed into common parlance. The Act of 1793, by laying down that any 'civil' post falling vacant in a presidency must be filled by a civil officer serving in that presidency, practically divided the service into three separate parts, which were called respectively the Bengal, the Bombay, and the Madras civil services. When it was laid down in 1878 that a civilian must serve wherever he might be sent, these names became meaningless; and though they continued in use for another twenty years, they were all ultimately replaced by the term, 'Indian civil service'; which, being directly descended from the Company's civil service, is by virtue of seniority the premier civil service in the Empire. As for the official designation, the 'civil service of India', the only place known to me where it can be found is the civilian's covenant.

The I.C.S. has two special characteristics—the great variety of the duties which its members perform, and the long periods which they spend in touring among the people. Both go back to the early days of the service's history as an administrative body.

Even as late as a century ago, there were practically no duties which were outside the scope of the I.C.S., except those of the sailor, the soldier, the physician and the padre²; and even of these duties the civilian occasionally performed some, in an amateur way. Administrator, revenue

¹Covenants had been executed by new recruits to the Company's 'civil service' as far back as 1714: the form of them was changed in 1765. See page 29.

²An Anglo-Indian name for a Christian priest of any denomination.

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expert, judge, secretary, diplomat—these were then, as they are now, his more ordinary manifestations. But the administrator in his district was wont, as part of his ordinary work, to build his own roads and canals and bridges, to dig his own wells, to manage his own jail, and to act as his own sanitary inspector. And any civilian might be called on to serve one or other of such an assortment of offices as those of policeman, postmaster, surveyor, customs officer, educationist, stamp vendor, salt agent, lottery superintendent, auditor, paymaster of troops, and even banker.¹ As time passed, and administration became more complex, government was forced to create a number of technical departments, each with its staff of specially trained experts, who took over many of the civilian's former duties. But there are even still some departments, such as customs, audit, salt, posts and telegraphs, to which a civilian may be appointed ; there are others, such as agriculture, industries, registration and co-operative credit, of which he is often placed in charge. It is still he who must take over the direction of such occasional departments as census,² and organize relief from such occasional disasters as famine,² flood and earthquake. And if progress has closed to him some avenues of usefulness, it has thrown open others. When need arises, as it often does, to undertake new activities, it is generally to the civilian that the task is entrusted. New posts are constantly being created to deal with new requirements.³ Two new activities, which are at present much in the public eye, are rural development and broadcasting. Both are of great importance: both are likely, in the end, to lead to the creation of new departments: and as both are still in their infancy, it is for the present and future generations of the service to carry

¹See pages 39-40.

²See Chapter XI. • -

³See page 219, for instances of new posts which arose during the Great War.

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out their organization. No civilian need ever fear that his work will lack variety.

Camping is an experience with which every civilian is familiar, for it has always been a feature of the life of a district official, and every civilian spends some part, often a very large part, of his service in district work. Warren Hastings was the first to introduce the practice, for when he was endeavouring to settle the land revenue of Bengal, he sent his officers on tour through the country to collect information regarding the circumstances of the cultivators who paid it. Touring became an essential part of district administration as soon as it was accepted that the primary responsibility of the district officer was the welfare of the people under his charge; for the best means of discovering the needs of a villager is to visit him in his village. Accordingly, every officer on the district staff spends a part of the cold weather in camp. At other times of the year, especially during the rains, he pays visits to any place within his jurisdiction where there is a rest-house, and work to be done. It is true that under the pressure of modern conditions, there has been a tendency to reduce the former camping periods, which were fixed by rule. But if the district officer is not to lose touch with his people—if, especially, he is to make the most of rural development—then he and his staff must return to the old standards. Lord Linlithgow¹ has already expressed his determination to make such a return possible, by reducing the district officer's desk-work. If he does, then he will earn the gratitude not only of the service, but of the people, who realize fully the value of the man who comes to the spot.

Though the men in the districts form the majority of the service, there are also some important minorities, who lead different lives. The judge² must spend his working hours in a court-room: on the other hand, once he has left his court,

¹See page 246.

²See Chapter VIII.

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his work is normally over for the day, and he also enjoys a month's vacation every year. A secretary¹ spends long hours in an office, surrounded by files; as compensation, he spends the summer and rains in the cool climate of the hills. The diplomat of the political department² leads a variegated life. He spends part of his time in an office, part in courts and palaces. But he may be posted to Kabul or Kathmandu, to Gyantse or Muscat, to Meshed or Kashgar. He may march with troops against border warriors, or camp in the high hills to settle a boundary dispute, or be sent on a mission to Lhasa. The settlement officer's³ lot is cast in pleasant places; for he spends nearly five months in camp during the cold weather, and six weeks in the hills during the summer. And heads of departments spend three months in the hills, and can roam at will over the province during the rest of the year. The I.C.S. offers a choice of lives, to suit all tastes.)

The I.C.S., like the navy, is a silent service. It rarely appears in the papers, unless something has gone wrong with it, or seems likely to go wrong. About 1855, when it was decided to abolish the Company's college at Haileybury, and introduce competitive examination, it was subjected to a spate of articles and editorials and pamphlets. It again became front page news in 1875, when the system of making appointments in the non-regulation provinces led to a service petition, a debate in the Commons, a number of leading articles, and a government order. Both in 1919 and 1935, when new constitutions were in the making, it was thrown into the whirlpool of controversy, from which, if one may judge from the newspapers, it has not, even yet, entirely emerged. And from time to time, in parliament, on the platform, or in the press, it receives from some admirer a complimentary pat on the back. Often, it has had

¹See Chapter IX.

³See Chapter VII.

²See Chapter X.

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good cause, for gratitude to its friends: sometimes, it has had equally good cause to pray for deliverance from them.

But the result of all this is that the British public knows relatively little about the I.C.S.—about the work that it does and the life that it leads. Many years ago, a mid-Victorian relative, having learnt that my designation was assistant collector, wrote to express a hope that though I was apparently a publican (in the Biblical sense), I did not consort with sinners. In this year of grace 1936, it is improbable that any member of the British public is so ignorant as she was. But even today, knowledge is limited. There is, for instance, a widespread belief that the average civilian spends his whole working-time between four walls, surrounded by files and folios. That may be the fate of many civil servants at home: that it is not the fate of their colleagues in India, I have already made plain.

The object of this book, therefore, is to explain to the British reader who has no personal knowledge of India, the nature of the work which the civil servant in India does, and the way in which he does it: the course of his life, the sport that he enjoys, and the occasional risks that he runs—though these, as a result of modern progress, especially in the domain of public health, are far less than they used to be.

As a result of the new constitution embodied in the Government of India Act of 1935, the service has reached a turning-point in its history. In future, its work will be heavier and more difficult, and it must adapt itself to new conditions and new methods. Many are doubtful of success: some, at one time, were even talking absurdly of funeral pyres and epitaphs. Personally, I see no reason for despair; and judging of the future from the present and past, I see little reason for doubt. For the rest, I have, so far as possible, confined myself to a statement of the facts as they have been and are, as a basis on which the reader can build his own opinion of the future.

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But on three points my own opinion is fixed:

Firstly, that the I.C.S. has never had a greater chance of doing valuable work both for India and England than it has now;

Secondly, that if anybody can make the new constitution succeed, it is the I.C.S.; *but*

Thirdly, the quality of the British element in the I.C.S. must remain as high as it has been in the past—all the more so, that the quantity of that element is being reduced.

And the civilian's security is as complete as forethought can make it. Nobody can do him any effective damage except parliament; and that is a risk which he has had to face ever since 1793. It is not a risk that need cause him any loss of sleep.)

The scope of the book can be described briefly. The second and third chapters are historical: so is the fourth, but it includes an account of the present as well as the past. The next eleven chapters describe various phases of the civilian's work and life. The last is an estimate of the future. The book is, as it were, an album of photographs of the service at different ages and in different poses.

Though, in theory, a civilian may be sent from one part of India to another, in practice he usually serves the whole of his time in a single province. Accordingly, though he has full personal knowledge of his own province, he has little knowledge of others. That is why the United Provinces,¹ to which I belonged, loom so large in this book. But in essentials, the civilian's work does not differ greatly in different provinces; and where there *are* essential differences, I have, so far as I could, stated them.

¹The "North-Western Provinces" (1836) and the province of "Oudh" (1856) were combined in 1877, to form the "North-Western Provinces and Oudh". The name was changed in 1902 to the "United Provinces of Agra and Oudh".

CHAPTER II

The Origin of the I.C.S. (1600-1740)

THE foundations of the Indian Empire were laid by a company of London merchants, to whom Queen Elizabeth granted a charter of incorporation under the name of 'the governor and company of merchants of London trading into the East Indies', which authorized them freely to traffic and trade in all parts of Asia, Africa and America beyond the Cape of Good Hope to the Straits of Magellan. This Company was not, like its Portuguese predecessors in the East, a body of military adventurers, part crusaders, part *conquistadores*, to whom commerce was merely an incident of conquest. Nor was it, like the Dutch East India Company, a semi-national association, empowered by the state to make war and annex territory as a means of securing a monopoly of eastern trade, especially the trade in spices. It was a body of private persons, whose objects were to send trading ships to the East Indies, and to found ~~there~~ trading-posts with the permission of the local rulers; and though it was always ready to defend itself at sea against all rivals, it steadfastly set its face against waging war on land. 'Let this be received as a rule', wrote Sir Thomas Roe to the Company in 1616, 'that if you will profit, seek it at sea and in quiet trade; for without controversy, it is an error to affect garrisons and land-wars in India.'¹

¹Quoted in Thompson and Garratt, *Rise and fulfilment of British Rule in India*, page 12.

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The Company faithfully pursued this policy for eighty years. Then it was driven by circumstances and the megalomania of its governor, Sir Josia Child, to abandon it. War had been raging since 1660 between Marathas and Moguls, and the Company's stations in Western India had suffered from the depredations of both. The Mogul officers in Bengal were exacting transit dues and customs from the Company's servants, in spite of imperial edicts which exempted them from these payments. In such conditions, it was no longer possible to maintain the guise of peaceful traders; the Company must in self-defence resist aggression. But urged by Sir Josia Child, it went much further; and in 1681, it decided 'to establish such a policy of civil and military power, and to create and secure such a large revenue to maintain both, as may be the foundation of a large, well-grounded, sure English dominion in India for all time to come'.¹ In the Company's situation at that time, this was a vainglorious proclamation. In 1668, its 'military power' consisted of ten warships and 600 men, whom the governor of Bombay sent forth by sea to attack the Mogul empire in Bengal—a magnificent but futile gesture, which ended in an ignominious peace. And as late as 1740, the territorial possessions of the Company in India consisted of the island of Bombay, granted to it by Charles II in 1668; a strip of the Coromandel coast, about five miles long by three broad, on which stood the town of Madras; three villages in Bengal, held in *zamindari*² right, on which stood the town of Calcutta; four fortresses—Fort St. George, Fort William, Fort St. David at Cuddalore, and Bombay Castle: and a number of buildings in which the trading-stations were housed. Many years were yet to pass before that 'large, well grounded, sure dominion' came into

¹Quoted in *Cambridge History of India*, V, page 102.

²See Glossary. The term here means a revenue-farmer. For the nature of the tenure, etc., see page 128.

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being. Nevertheless, it remains true that in 1681 the Company ceased to bid merely for trade, and began to think of making a bid for empire.

In 1709, the London company ceased to have a separate existence, being swallowed up by a new body known by the name of the 'united company of merchants of England trading to the East Indies', which in 1833 was shortened to 'East India Company'. For another thirty-five years, trade still remained the primary objective, and flourished. Then followed a period of seventeen years (1744 to 1761), during which the Company was fighting with its French rival not only for its trade but its existence. Meantime, the Mogul empire had fallen to pieces; India had become a battle-field for princes and governors and adventurers, each eager to carve out a kingdom for himself; the Company alone was either capable or desirous of restoring chaos to order; and in the interests of its trade, it was forced—reluctantly at first, but ever increasingly—to interfere as an Indian power in Indian affairs. The assumption of the *diwani*¹ of Bengal in 1765 marks the turning-point; thereafter in its activities trade became less and less important than administration. In 1773 it became clear that the Company was no longer merely a commercial concern, but 'in reality a delegation of the whole power and sovereignty of this kingdom (England) sent into the East'; and its operations were brought under the review of the English government. In 1813, when the Company's charter was renewed, its trade monopoly was abolished; and by the charter of 1833, the Company ceased altogether to be a commercial body, but retained its administrative and political powers 'in trust for His Majesty, his heirs and successors, for the service of the government of India'. And the trust determined when, in 1858, the powers of the Company were transferred to the Crown. The 'governor

¹See Glossary, and pages 26-7.

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and company of merchants of London' of 1601 had been transformed into the 'secretary of state for India in council'; a few trading-stations had developed into an empire; and the traders which inhabited them had become the Indian civil service.

A description of the processes by which the old traders became the new administrators can conveniently be divided into three parts. The first, which is dealt with in this chapter, relates to the period 1601 to 1740, during which the Company was primarily concerned with trade, and only incidentally with administration. The second period, dealt with in the third chapter, lasted from 1741 to 1833, during which trade became gradually less important than administration, till, in the latter year, the Company ceased trading altogether. The third period, dealt with in Chapter IV, is from 1834 onwards, when the sole concern of the Company's servants, or, after 1858, of the government servants who succeeded them, was administration.

The London company sent out its first fleet in 1601. It carried a number of merchants, whose orders were to land and found trading-posts wherever conditions appeared favourable; and this became the Company's regular policy. These men were called 'factors', a word which means commercial agents; and the trading-posts themselves were called 'factories'. At a later date, they were called civil servants, as already explained.¹

The search for eastern trade was a venture not of the court but of the city; and the adventurers were determined to keep it in merchants' hands. 'They would sort their business', they said, 'with men of their own quality'; they were resolved 'not to employ any gentleman in any place of charge'.² Before long the Company was forced to modify its decision, when it found that an oriental king disdained to negotiate with merchants, and to request King James I.

¹See page 1.

²Thompson and Garratt, *op. cit.*, page 6.

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to send out Sir Thomas Roe, courtier and diplomat, as his ambassador to plead for English trade. But that was an isolated case; and for many years its officials at home and its servants abroad were of the mercantile class. The Company's governors—such men as Sir Thomas Smythe, Sir Morris Abbot, William Cockayne, Sir Josia Child—were merchant princes: the factors belonged to merchant families—for instance, Sir Edward Winter, Sir John Child, Justinian Offley,¹ chief factor at Agra, and Gregory Clement who followed him there, and died in 1660 on a regicide's scaffold. Others were of even humbler origin: William Finch began life as the private servant of a Cheap-side merchant, and Nicholas Withington was attendant on the captain of a Company's ship. And many had come out as members of a crew, and been recruited in India to fill vacancies in the factory staff; several factors are mentioned who had been purser's mates, whilst one had been a steward's mate, and another a gunner.

After the Restoration, however, the Company came into close touch with the court. It had always been dependent on the King's goodwill, for the grant of a charter securing a trading monopoly was a royal prerogative. But whereas the earlier Stuarts had treated the Company with scant consideration, the later Stuarts held it in high favour. James I had hector'd and bullied its directors: Charles I, by granting a licence to trade in the East Indies to Courten's association (also called the Assada merchants), had done them serious damage. But Charles II borrowed large sums from the Company, James II was one of its largest stockholders, and both were always ready to grant it any reasonable request. And the Company, as in duty bound, began to elect courtiers to its governing body. Of the two governors and forty-eight directors named in the charters of Elizabeth and James I, only one was a knight;

¹He died in Agra in 1627, where his tomb is still to be seen.

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the rest were all plain citizens, entitled not even to the title of 'gentleman'. But of the officials mentioned in the charter of Charles II, one was a peer; twelve were knights, one was an esquire and the rest were all 'gentlemen'. And partly as a result of this change in the composition of the Company itself, partly because, with the acquisition of regular settlements, the directors began to realize that they required servants capable of administration as well as of trading, they began to employ gentlemen in 'places of charge'. Sir George Oxinden, president at Surat from 1662 to 1669, was the son of a Kentish landowner: his successor, Gerald Aungier, who between 1669 and 1677 laid the foundations of Bombay, was a brother of the Earl of Longford (of the first creation): Sir Streynsham Master, president of Madras in 1768, also belonged to a Kentish landed family. Nevertheless, it was not till the beginning of the 18th century that men of good birth were recruited to the Company's services in any numbers.

In the early days, the Company tried to secure as factors men who had acquired some knowledge of eastern trade in the Levant or elsewhere, and would generally be in the prime of life. But the supply of such men was limited, and before long, the Company found itself obliged to send out 'raw youths', much to the disgust of their seniors, who complained that they were 'more hopeful than useful', and frequently begged that experienced traders—"bred marchants", as they called them—be sent out instead. In 1665, the Surat factors asked to be provided with some 'youths of mean parentage, who write good hands'; and in 1668, the Company sent them out, as well as several factors, twelve 'writers', and two apprentices. Thereafter both factors and writers were sent out every year: the supply of apprentices, which began in 1661, was irregular, and ceased altogether in 1694. Most of them seem to have come from Christ's Hospital, which provided a commercial education. In

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1669, the Company decided to send out only young men, to be trained in the business and promoted 'by degrees according to their deservings'; and in a court minute of December 1674, it introduced something like a regular service with four grades—apprentices, writers, and two classes of factors. The apprentice served seven years, and might then be 'entertained', on giving security, for a further three years, receiving a rise of pay at the end of his fifth and seventh years. The writer, the junior and senior factors each served a covenanted period of five years, and then, if 'found deserving in point of ability and faithfulness', could be 'entertained' for a further three years on higher pay. The terms merchant and senior merchant, though in general use, are not to be found in this minute, but later became recognized grades.

No qualification was required of a candidate for writer-ship except good penmanship, and, after 1682, a knowledge of commercial accounts. Warren Hastings, though a King's Scholar of Westminster, claims no higher accomplishments than these in his petition for appointment.

In 1714, it was laid down that the candidate for a post in the Company's service must obtain a nomination from a director, and submit a petition. Many 'writers' petitions' are preserved in the India Office records, though none bears an earlier date than 1749. After appointment the candidate was required to furnish two sureties in £500, and, like his modern successor, the Indian civilian, to sign a covenant of faithful service.

The chief of a factory was called an agent: the chief of a large factory to which other factories were subordinate was called president, and was assisted by a council of senior factors, at this time usually three in number. The title of president was first given to their chief by the factors at Surat in 1616, to put him on the same level as the head of the Dutch factory, and soon after was officially adopted.

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Ultimately, there were three presidents, at Bombay, Madras and Calcutta, which explains why the provinces of Bombay, Madras and Bengal are still called presidencies. The title of governor came into use at different dates—1682 at Bombay, 1684 at Madras, and 1700 in Bengal. /.

So long as appointments were individual, salaries were also individual: every man's pay was fixed and varied on his own merits, and there were no regular rates. At Surat in 1658, the writer received £20 a year, the factor, £30; and the senior servants, sums varying from £40 to £150. The president received £500. It is true that all of them received allowances for their servants and washing, with free board and lodging, and ample travelling expenses; but even so, their pay was 'too small to be seriously regarded as claiming their whole energies'. Moreover, in India the Company's servants only received one-third of the salary due: the rest was retained in England to be paid on retirement, though they were allowed to draw on their home balances for certain purposes, such as making payments to relatives, or investment in the stock of some trading voyage. The Company probably hoped thus to keep a hold on their servants; but, as the latter often complained, the practice left them with scarcely enough money to buy decent clothes, and caused much resentment.

The rates of pay laid down in the court minute of 1674 mentioned above were complicated, partly, it would seem, because they took account of salaries already existing. The salaries fixed for newcomers appear to have been as follows:

		<i>First 5 years</i>	<i>Next 2 years</i>	<i>Next 3 years</i>
Apprentice	- -	£5	£10	£20
Writer	- - -	£10	—	£20
Junior factor	- -	£20	—	£30
Senior factor	- - .	£30	—	£40
		/15		

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Only half of these salaries was drawn in India, if they exceeded £10. A Madras list of 1676 gives the following rates: Apprentice, £5 for five years, and £10 for the next two years: writer, £10: factor, £20: merchant, £40: senior merchant, £50: junior member of council, £70: senior member of council, £100: and agent, £300. These rates remained in force till 1699, by which time the grade of apprentice had disappeared: the salaries of writers and factors were then reduced by £5 each, and those of merchants and senior merchants by £10 each. And these reduced rates were being paid as late as 1757.

From the beginning, however, the Company had supplemented its servants' wages by permitting them to invest in the stock of a voyage. No doubt it thus hoped to restrict its servants' private trade to known amounts; but it also taught them to look for their remuneration to other sources than their salaries; and private trading quickly became so extensive as to cause much loss to the Company, which tried various methods of stopping it. The directors caused factors and ship's officers to execute penalty bonds: they confiscated their goods: they even, in 1632, obtained a proclamation from the King which made private trading beyond the permitted limits a Star Chamber offence. At a later date they tried to regulate it, by drawing up lists of the goods in which their servants might deal, and those which were retained entirely for the Company. But regulation proved as ineffective as prohibition. The capital required was easily procured, either from friends at home or from Indian merchants, who were only too glad to enter into partnership with the factors, as they thus secured for themselves the privileges of English goods, in respect of reduced freight and customs. And the factors were not only guilty of smuggling goods between England and India, but appropriated to themselves a large part of the coastal trade, which could be carried on in the name of their

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Indian partners. Private trade went on till the Company ceased itself to be a commercial corporation; for even after it had been forbidden to those of its officers who were engaged in administrative duties, it was permitted to those whose duties were mercantile. A relic of this unsavoury business still remains in the 7th article of the covenant, by which the newly-fledged civilian binds himself not to 'engage, carry on, or be concerned in any trade dealings or transactions whatsoever'.

Another important member of the factory's staff was the Indian broker, called the 'banyan' (*bania*), a generic term for Hindu traders, to which community, as their names show, most of these brokers belonged. The factors, in their ignorance alike of eastern languages and the customs of eastern trade, doubtless found their help necessary. There were some good men amongst them; Dhanji of Agra, for instance, who is mentioned again later,¹ and Narrand (Narayan), who served the Company well in Orissa and Bengal for some twenty years. But the *bania* tribe has always been noted for its rapacity, and most of these brokers must have made large profits at their masters' expense, and had far too much influence in their counsels: as was said of them in 1630, they were 'base banyan brokers and zarofes (shroffs), of whom it is commonly spoken that they be president and council, and govern the Company's affairs at their pleasure'. And it was from them, or their friends, that the factors borrowed money for their private trade.

• In Madras, the Company employed merchants, who were contractors for the purchase of cotton cloth, and agents for the sale of European commodities. They received money advances from the factors, for which they were responsible until they delivered the value in manufactured goods. These 'Company's merchants' made large profits by

¹See page 22.

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charging to the Company much higher prices than they paid to the manufacturers.

At first, the staff of a factory lived together in a common house. Subsequently, houses were built for the presidents at Bombay, Calcutta and Madras; and senior merchants also had their own houses, unless they were bachelors, when they lived with the president. The younger men for many years continued to live together in a 'college'. But wherever they lived, all the Company's servants, from the president to the junior writer, met for dinner and supper at a common table, to eat their way through fifteen courses, washed down by a large variety of liquors, from Rhenish wine to beer or punch. Prayers were originally read twice daily and three times on Sundays; but by 1630 the factors had begun to lapse from grace, for we find a complaint that evening prayers had been discontinued; and in 1669 Bridges, the chief merchant in Bengal, definitely refused to comply with the Company's instructions on the subject. 'That we have divine service once on the Sunday', he wrote, 'is as much as can be expected in these hot countries; for neither a man's spirit nor voice can hold touch here with long duties.'¹ It is to be feared that many of the factors were backsliders in other directions too. They were accused of pride and extravagance, as shown by the wearing of gorgeous apparel, and the use of umbrellas;² of coming in after the factory gates were closed at night; of drunkenness; of using 'a multitude of sacrilegious abominable oaths'; and of excessive gambling. The last seems to have been their worst crime, and cases are mentioned of factors who lost, at dice, 'lance knight' (lansquenet), or cards, three years' salary in as many hours—though that was not a difficult feat, since a writer's salary was

¹Quoted in Thompson and Garratt, *op. cit.*, page 36.

²In the East, umbrellas denote high position and for a factor to use them amounted to ostentation.

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only £20 a year, of which he actually received only £6 13s. 4d.

The day of a Company's servant began with prayers at 6 a.m. The morning was spent in business: dinner followed at noon, followed by a period of rest—which after fifteen courses, was doubtless needed. In the afternoon only the juniors returned to office: the seniors took their ease in some garden, assisted by a jug of wine or a bowl of punch. The evening was the time for paying calls and social meetings. Supper and prayers followed at 8 p.m.: and the gates were shut at 10 or 11 p.m. For the wealthier members of the community, some forms of sport were available—bowls, shooting, riding, coursing, driving and picnicking, a favourite diversion: for the poorer, there was little to do but to loaf, gossip, gamble, or play billiards and backgammon in a tavern.

The head of a factory seems to have exercised a control as strict as, and very similar to, that of the dean of a college at Oxford or Cambridge, as the following 'Act, made by the president and council of Surat for the reformation of abuses' in 1633 shows. They begin mildly enough. They 'gently exhort and admonish every man employed under them to abandon as much as possible those vices which custom hath glued fast to his inclination'; but in case 'these good inducements prevail nothing', they will impose the following fines:

- (1) For being absent at the time of shutting the gates—40s.
- (2) For neglecting to go to prayers on weekdays—2s. 6d.
- (3) For every oath—1s.
- (4) For drunkenness—2s. 6d.

Finally, a man who struck or abused any person that had 'no relation to our service', was to be imprisoned in irons for three days. Apparently, he was free to strike and abuse any person who *had* 'relation to our service'.

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In a hot climate, tempers are easily frayed, and offence is taken where none is meant; and the factors seem to have been just as liable to these effects of the hot weather as others after them. Thus in June 1629, one Richard Boothby was arraigned by the president and council of Surat on seven charges, and they ordered that unless he confessed his fault, asked pardon, and gave security for good behaviour, he should be sent home to England. Two of the charges will serve as a sample of the rest. He had 'falsely alleged' that Baroda was 'a seat forlorn and perilous, and not of peaceful government'; and he had refused to address the president and council as 'worshipful' in correspondence. He replied, firstly, that he had merely described Baroda as being what he found it: and, secondly, that though he had omitted to use the title in the body of a letter, he had put it on the cover.¹ He apologized fully, and suggested that the president and council should become his securities for good behaviour, since 'then all differences will be ended'. The punishment seems severe for his offence: but the president remained obdurate, and sent him home next year.

The following tale told by Albert de Mandelslo, who visited the Surat factory in 1638, shows the factors in a pleasanter light. 'On Fridays, after prayers,' says he, 'there was a particular assembly, at which meeting were three other merchants, who were of kin to the president, and had left, as well as he, their wives in England, which day, being that of their departure from England, they had appointed it for to make a commemoration and drink their wives' healths.'² This suggests that at this time the

¹One is reminded of the story of the officer (in India) who objected to using the formula which ends the official letter—'I have the honour to be your most obedient servant'—on the ground that he was not the addressee's obedient servant, and that it would be no honour, if he were.

²Quoted in Hunter, *History of British India*, II, page 155.

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Company's servants were not permitted to take their wives to India; but the rule was relaxed later, for in 1681 three young women were sent out to Madras by the Company, of whom two married Company's servants; whilst in 1700, out of nineteen Company's servants in Fort St. George, ten were married, five of them to Englishwomen. There were also married factors in Bengal. Sir Charles Eyre married the daughter of Job Charnock, and John Russell married the sister of Sir Charles Eyre: all three were governors of Bengal in their time. Sir Francis Russell, Governor Russell's nephew, who was also a servant of the Company, in 1728 married the daughter of a free merchant of Calcutta. Finally, in Bombay, Burnell, a soldier, who left an account of his experiences there in 1710-1711, mentions the presence of many ladies, though he gives no details.

The staff of a factory, apart from its chief (president, agent, or chief merchant, as the case might be), usually included a bookkeeper or accountant: a warehousekeeper, who kept a record of English stores sold and eastern stores purchased; a secretary, who was in charge of proceedings and correspondence, and kept the Company's seal: a varying number of factors and writers: a surgeon: and very often, a chaplain. At Surat there was also a purser-general, and at Bombay, a purser-marine, whose duty seems to have been to pay wages to seamen, porters and other subordinates, to keep an account of imports and exports, and to look after ship's stores. In Madras there were two 'customers', one for sea and one for land; their duties were to collect customs-dues, rents and taxes: There were also subordinate posts—deputy secretary, steward¹, butler, clerk of the market—which were held by factors or writers. But any merchant or factor might be set to tasks outside the ordinary routine. He might be sent to prospect

¹The steward corresponded to a mess president.

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for trade in some new place; or on a mission to the court of some prince or governor; or to collect an important debt; or in charge of a caravan of goods—which was often a dangerous task, as the roads were infested by robbers or rebels. As an example, we may consider the movements of one John Drake between 1634 and 1637. At the end of 1634, he arrived in Surat with a caravan from Agra. He was then sent to Burhanpur to collect a debt from the Raja of Bundi, but returned unsuccessful. After a brief tenure of the post of purser-general, he went on a mission to the viceroy of Goa; and in 1636, on another mission to the Mogul emperor, who was then campaigning in the Deccan. He followed him from one place to another, ultimately arriving in Agra early in 1637. In March, he set off with a caravan of indigo to Surat, accompanied by Dhanji the factory broker, and his son. The caravan was held up by villagers, who demanded the payment of transit-dues (*rahdari*), but allowed the caravan to pass when Dhanji assured them that they were exempted by their *farman*.¹ At the end of the column, however, were some peons,² who—as peons would—abused the villagers; and a riot began, during which Drake was mortally wounded with an arrow. His body was brought back to Agra for burial, where his tombstone is still to be seen.

The Company's servants had also duties of another kind to fulfil. From 1623, the Company had been authorized by charter to commission their presidents and chief officers to try all offences committed by their own servants according to English law, provided that in capital cases they must be assisted by a jury. Thus, in 1633, we read of three seamen, who had been guilty of deserting their ship, being sentenced to whipping and imprisonment in irons on rice and

¹The edict of the Mogul emperor, in which their privileges were stated.

² Guards.

^A *The Origin of the I.C.S. (1600-1740)*

water by the president and council at Surat; and in 1636, another seaman was tried by the same body and condemned to death. From 1672 there was a regular judicial system in Bombay. It is unnecessary to describe it, especially as it was altered from time to time; but at all times, the chief judicial authority was the deputy-governor, (or after 1687, when Surat became subordinate to Bombay, the governor), and council, either as a bench or sitting singly as justices of the peace: whilst there were also subordinate benches for local subdivisions, known as packereys (*pakhadis*) or parishes, on which sat junior officers—sometimes the local customs officer, sometimes the commander of the local garrison. Finally in 1728, when a municipal corporation was established, the mayor and aldermen were constituted a court of record: the mayor and seven aldermen were English, though not Company's servants, but the sheriff who assisted them was chosen annually by the governor and council. The only court that was independent of the Company was an admiralty court which tried all maritime causes,¹ whose judge was appointed by the King; but it only remained in existence from 1683 to 1690.

The Bombay council also performed certain administrative and legislative functions. It imposed taxation, fixed and collected revenue, minted currency, settled immigrants—traders, workmen, and artisans—on the island, and, from 1728, passed municipal byelaws. As early as 1710, there were two 'collectors', of Bombay and Mahim, whose duties were presumably much the same as those of the land customer at Madras, mentioned above.

At Madras, Company's servants derived their judicial powers to some extent from the local Indian rulers. Soon after their arrival in 1641, they received an 'express com-

¹Especially piracy. The famous pirates Kidd and England both operated in eastern waters.

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mand' from the raja to try, according to English law, two low caste men (*pariahs*), who had murdered a woman for her jewels, and duly put them to death; whilst the 'choultry' court where disputes between Indians were formerly decided by an Indian judge, was handed over in 1654 to English magistrates, and survived till 1800. In 1678, Sir Streynsham Master instituted a court of judicature, consisting of the president and council: but it disappeared in 1688, and its powers were entrusted partly to an admiralty court similar to that in Bombay, partly to a mayor's court. In 1704, the former disappeared in its turn, and was replaced by the governor and council, who themselves tried admiralty cases, especially cases of piracy, and heard appeals from the mayor's court. This court was part of a municipal constitution, created in 1688 with the object of facilitating the raising of local taxation. [The corporation consisted of a mayor and twelve aldermen (with scarlet robes and silver maces), of whom three were English, three Portuguese and seven Indians: for Sir Josia Child believed that the people would more willingly pay 'five shillings to the public good, being taxed by themselves, than sixpence raised by our despotical power'. His belief proved to be wrong: the corporation neither raised taxes, nor did anything else that it should have done, except as a judicial body, in which capacity it rendered good service. It was ultimately replaced, in 1728, by a municipality, with a mayor's court on the Bombay model.

In Bengal there was no court of judicature till 1704, when the governor and council created a judicial committee out of their own number, which, however, sat only occasionally. And there was no mayor's court till 1728. But in 1698, the Company acquired the rights of a *zamin-dar* in respect of the villages¹ of Sutanati, Calcutta and Govindpur, one of which rights was an extensive criminal

¹These villages formed the site of the town of Calcutta.

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jurisdiction. A *zamindari* court was accordingly created, presided over by a Company's servant; he tried both criminal and civil suits in which only Indians were concerned, dealt with land and revenue cases, and collected the rents. The first of these officers was Ralph Shelton, appointed in 1700.

The factors were occasionally called on to undertake yet other duties. One was that of reading prayers and sermons on Sundays when no chaplain was available; and as they received an extra £50 per annum for their pains, as against a regular salary of £20 or £30, they doubtless welcomed the chance of officiating as chaplain. Judges or collectors, even now, often carry out this duty in districts where there is no clergyman; but I have never heard of their receiving any pay for it. Again in 1675, civil servants were instructed to learn something of soldiering in case of need, with the chance of receiving military commissions if they proved fit for them; as is well known, Clive began life as a writer. Here, too, there is a modern parallel, for till 1914, all civilians were encouraged to join the volunteers, and during the Great War, were ordered to join the Indian Defence Force which took their place. And lastly, it seems probable that Company's servants frequently served on juries: there were certainly two at least on the jury that tried Nuncomar. And jury trials, at all times during this period, were common.

It is clear, then, that though the principal interests of the Company's servants throughout this period were mainly commercial, that 'the credit of a good bargain was the utmost scope of their ambition', yet they were already learning, on a small scale, the art of government in all its branches.

CHAPTER III

The Development of the I.C.S. (1741-1833)

During the next thirty years of the Company's existence, the rate of development from trade to administration was much more rapid. From 1744 to 1761, the English and French companies waged constant war in the Carnatic; as a result of which the Company learnt two lessons—first, that its army, having defeated the French, was the most powerful in India; and secondly, that if it was to maintain its position in India, it must henceforth play a leading part in Indian politics. It put both lessons into practice in Bengal. Siraj-ud-daula the provincial governor,¹ was afraid that with English at Calcutta and French at Chandernagore, Bengal would become, like the Carnatic, a European battleground; and as he hated the English, he took occasion in 1756 to attack and capture Calcutta. Madras sent her troops and Clive, her best officer, to the rescue. Calcutta was recovered, and Siraj-ud-daula was destroyed at Plassey. After nine years of political intrigues, mingled with military operations, Clive in 1765 obtained the grant of the *diwani*, or financial administration, from the Emperor, and the Company became virtually master of Bengal, Bihar and Orissa. For various reasons, it did not attempt to exercise its new function till 1772. Formally, the change 'meant no more than that the Company should

¹The generic title of provincial governors under the Mogul empire was *nawab*.

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henceforth collect the revenues through the agency of its servants. But in reality . . . it meant becoming responsible for the whole administration'. Accordingly, when the Company 'stood forth as *diwan*' in 1772, it became the ruler of a large dominion whilst still remaining a commercial corporation.

During the last twelve years of this period of change, the Company's servants came by much discredit. Their salaries had been increased in 1758, but were still miserably insufficient, and they still chiefly relied for their income on private trade. They now had at their mercy a rich province ruled by a weak government; and when Clive sailed for England in 1760, they proceeded to exploit it. They insisted that an exemption from transit dues granted by an imperial *farman* of 1717 to the Company's goods, extended to their private goods; and even junior writers issued exemption-passes (*dastaks*) on their own account, or sold them to Indian merchants. They insisted that the exemption extended not only to the export but to the internal trade, and began to undersell Indian traders in their own markets. They allowed their agents (*gumashtas*) to bully the countryfolk into selling their goods to them below the market price. And finally, when the governor, Mir Qasim, abolished the transit dues altogether, they demanded their restoration—for all but themselves. These exactions, besides leading to war in 1763, and to a massacre of Company's servants at Patna, brought Bengal to the verge of ruin. Clive reduced the opportunities for looting when he abolished most of the *aurungs*, or up country factories, in 1765, and recalled their staff; but they only ended in 1775, when Hastings stopped the use of passes, suppressed all customs-houses but five, lowered all duties to 2½ per cent., except those on salt, betel and tobacco, and made them payable by Europeans and Indians alike. Meantime, the Regulating Act of 1773 had prohibited

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private trading for all civil servants who were employed in the collection of revenue or the administration of justice, though it was still permitted to those whose duties were purely mercantile.

It was an ancient custom in India that an inferior, who desired to receive a favour from a superior, should make him a present (*nazr*). If the present was refused, he did not suspect the superior of incorruptibility; he merely assumed that the present was not large enough, and returned with a larger. It was not precisely a bribe, but rather in the nature of a propitiatory sacrifice. The Company's servants were well acquainted with the custom, for in the past they themselves, when seeking some concession from the Mogul emperor or one of his officers, had often made such presents. And they had occasionally received them, for in 1621 the Company made a rule that such presents should 'be brought into the general account of the Company'; and it is recorded that in 1727, the factors at Forts St. David and St. George had received, to the great indignation of the directors, a total sum of 74,000 pagodas¹ (£30,800) from the Company's merchants. But until 1757, their expenditure on presents must always have greatly exceeded their receipts. From 1757 to 1765, however, the Company itself, and its higher servants in Bengal, benefited from the custom to a scandalous extent. Siraj-ud-daula's presents to Clive and others after the recapture of Calcutta were relatively modest—jewels, elephants, and robes of honour. But Mir Jafar's presents on succeeding to the governorship after Plassey exceeded three millions sterling; and thereafter, the Company's servants made a habit of demanding presents whenever a new governor succeeded,—three times before 1765. The junior members of the service probably received no share of these particular gifts, but they doubtless received others from their own inferiors.

¹A gold coin, current in Southern India.

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In 1765, the directors sent out orders prohibiting the receipt of presents, and laying down that their servants, by a pledge added to their covenants, must bind themselves neither to demand nor receive any gift of over Rs. 1,000 in value without the sanction of the governor and council, or of over Rs. 4,000 in value without their own sanction. The service, remembering Clive's own record, supposed that he would not enforce these orders; but 'Clive feared nothing, not even his own past', and on arriving in Calcutta, compelled all servants, of whatever rank, to sign the new covenants on pain of instant dismissal. The Regulating Act forbade the practice altogether; Pitt's India Act of 1784 made it punishable as extortion; and the 6th article of the present covenant, which forbids the civilian to accept corrupt presents or to make corrupt bargains, is a memento of this sordid business. Traces of the ancient custom still remain: Not many years ago, an Indian visitor, when calling on an officer, would invariably offer him a few rupees or a couple of old gold mohurs, placed on a handkerchief in his outstretched palms, which the officer touched with his finger tips; and though the presentation of the *nazr* is now uncommon, it is still made by the old-fashioned, or on ceremonial occasions. I have only known it to be accepted once—by a girl baby, who grabbed it and put it in her mouth. It was not an easy task to induce the recipient to disgorge and the donor to take back the *nazr*—for return of the *nazr*, once accepted, was deemed unlucky.

The favourite method of acquiring wealth in Madras during the 18th century was lending money to the nawab of Arcot.¹ He had always been heavily indebted to the Company itself, on account of money advanced to him to pay for the French war. Partly to repay this debt, partly to meet his own lavish expenditure, he borrowed large sums

¹Walajah Muhammad Ali, also called nawab of the Carnatic or prince of Arcot, which was his capital.

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at high rates of interest from private persons, many of whom were Company's servants. These loans were secured on assignments of the land revenue of his territories, with disastrous results to the cultivators who paid the land revenue. All that need be said of this unsavoury scandal, is that the Act of 1784 provided for a full enquiry into the origin and justice of the debts, and for their ultimate liquidation; that the total sum found due was £3,440,000, which was paid off by 1804 at the rate of £480,000 per annum, from the Carnatic revenues; and that it was then discovered that another debt of thirty millions sterling had accumulated—of which, however, only a sum of £2,670,000 was accepted as legitimate, and finally paid off in 1830.

It has been necessary to dwell at some length on these unpleasant facts, because of their effects on the development of the service. Hitherto, most of its members had been drawn from middle class families, especially those that were connected with trade and commerce, and each recruit had been selected or rejected on his individual merits. But from 1714, appointments had been restricted to nominees of the directors. From 1757, many Company's servants, after a relatively brief residence in India, had returned home with large fortunes, to buy landed estates and rotten boroughs, and under the nickname of 'nabobs', to make themselves detestable to the gentry, into whose ranks they tried to force their way. But now the gentry too began to turn their eyes towards India and its wealth; and everybody who had some young dependant for whom to provide, strove to secure a nomination for him from some director, either as a gift or by purchase. The directors' relatives and friends, peers of the realm, at least one prelate,¹ and at least one royal personage,² all joined in the struggle. Between 1790 and 1838, there were in all seventy-seven

¹William Markham, Archbishop of York.

²The Prince Regent.

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directors elected; the names of fifty-six of these also appear in a list of Bengal civilians of the same period, and no less than 170 times. That list includes one peer, nineteen sons of peers, twelve baronets, and a protégé of the royal personage aforesaid, one Treves. The character of the service changed: it was now filled with men who 'had no recommendation but their high birth and great interest', and no object in going to India except to make the maximum of money in the minimum of time. It was not, perhaps, surprising that the older men, traders turned administrators, should use their new authority to promote their own private interests. But there was little in that respect that they could teach the new recruits. One of them, who was given a four years' contract for supplying opium, at once sold it for £40,000. A scion of the nobility, who held a contract for limestone, hit on the ingenious idea of remitting the revenue of his district to Calcutta not in cash, but in limestone. Another person of title, who by some means succeeded in securing a writership at the age of 41 (the maximum age at the time was 22), accumulated a fortune of £100,000 in twenty years by forming 'honourable and advantageous connections'. Lastly, there is the case of Mr. G. F. Grand—best known as the husband of Mme. Grand, the *chère amie* of Philip Francis and afterwards the Princess Talleyrand,¹—who made a large fortune by private trade in indigo during his term of five years as collector of Tirhut, and was dismissed by Lord Cornwallis in 1788. But, according to Cornwallis, almost all the collectors were 'under the name of some relative or friend deeply engaged in trade'; whilst Lord Teignmouth asserted that some officers at revisions of settlement made large sums from landlords by understating their rentals.

Such men as these were often a source of much embarrassment to the administration in India. Their friends

¹For her history, see Busteed, *Echoes from Old Calcutta*.

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at home were constantly trying to secure for them accelerated promotion; or they themselves took a trip to England to demand it. In 1789, for instance, Cornwallis was pressed by no less a person than the Prince Regent to supersede an Indian officer, 'of great talent and universally respected', in favour of Treves, already mentioned, though he had less than two years' service at the time. Cornwallis refused, as he invariably did refuse, such requests; and Treves had to wait for the post till 1795. Again, Hastings in 1772 found himself unable to abolish a particular post because so many of those who held it were relatives and dependants of the directors. Worse still, the authorities in India were expected to find well paid posts for men who were not in the Company's service at all, but had powerful patrons to back them. All these difficulties, however, were ended by the Charter Act of 1793, which provided that all vacancies occurring in civil offices, below that of a member of council, must be filled by servants of the Company belonging to the presidency where they occurred. It also prescribed minimum terms of service for offices carrying certain rates of pay; where the pay was over £500 a year, the period was three years; where it was £1,500 a year, the period was six years; where it was £3,000 a year, it was nine years; and where it was £4,000 a year, twelve years.¹ Promotion was to go by seniority: fixed salaries were attached to specific appointments: perquisites and allowances were abolished. Finally, the directors, on their election, were to take an oath that they would accept no sort of gratification for making a nomination. Previously, nominations had been sold for £2,000 and £3,000 each.

Till 1758, the salaries of the Company's servants remained at the low rates fixed towards the end of the previous century. Then, at long last, the directors agreed to

¹The last three periods were reduced by the Act of 1813 to four, seven, and ten years respectively.

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increase them. The governor's salary rose from £300 to £2,700; that of a member of council from £100 to £132 17s.; and that of a writer from £5 to £27. The increase was given grudgingly: the indigence of junior servants was attributed to their own vices, though it is hard to be passing vicious with £5—or even £27—a year. In 1766, Clive, who knew well enough that the Company by paying inadequate salaries was inviting its servants to be dishonest, invented a scheme of his own by which the proceeds of the salt monopoly were applied to increasing the salaries of senior servants, both civil and military. The directors vetoed this scheme in 1768, but themselves granted a further increase, which, as usual, benefited most the senior men. The governor of Bengal now drew £4,800, plus a commission on the revenues, which brought his total remuneration in 1772-73 to rather more than £23,000. Members of council drew, with commission, from £1,500 to £3,000 according to rank; but governors and members in other provinces drew much lower rates, whilst writers received £50 and senior merchants £81. It was not till 1793 that the junior men at last drew a living wage. Different grades of assistants drew 300, 400, and 500 rupees a month: the collector drew 1,500 rupees a month, with a commission of about one per cent. on his collections of revenue, up to a maximum of 27,500 rupees a year. The latter figure varied considerably not only from year to year, but from district to district; but it is clear that these salaries compare favourably with that drawn by a modern collector—which is 2,650 rupees (including overseas pay), as a monthly maximum. Those officers who were engaged solely in the Company's mercantile business were paid by a commission on their purchases, and were still allowed to engage in private trade.

As a result partly of the legislation which prevented corrupt practices, partly of Cornwallis's efforts to purify the

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administration, and partly of the improvements in salary just described, the *moralé* of the service began to improve. The improvement first showed itself in numerous resignations of those who were disgusted because their opportunities to get rich quickly were reduced; but there was also 'gradually springing up a race of trained administrators around whom the old commercial tradition did not cling, who had not graduated in chicanery, or grown grey in corruption'. Lord Teignmouth¹ had much to say on the subject. 'That there never would be speculation in India is only saying that it is not a desert, for where men are, some ways will be found; but there is as much virtue, principle, and active zeal here as in any part of the world.' There were, he further said, far fewer sinecures in Bengal than there were in England; and no salary was paid for which some equivalent was not exacted. In short Cornwallis not only created a civil service in the modern sense of the word, but provided it with new standards of honesty and right conduct.

There were no limits of age for appointment to the post of writer till 1784, when the India Act fixed them at a minimum of 15, and a maximum of 18 years. The latter age was raised by the Charter Act of 1793, to 22 years. The rudiments of commercial knowledge continued to be the only educational qualification till 1800, long after the duties of the Company's servants had ceased to be purely commercial. Lord Wellesley was the first to realize that much more than this was needed. He accordingly decided to found at Fort William a college,² which all new-joined civil servants, irrespective of their future presidency, were to attend. It was to be a residential institution, with a common table. The course was to last three years. The curriculum was to be of the most comprehensive kind, in-

¹Formerly Sir John Shore. See *Memoirs of Lord Teignmouth* (1843).

²See also pages 193-5, for further information about this college.

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cluding not only Indian history, law, religion, ethnology and oriental languages, but ethics, civil jurisprudence, international law and general history. So certain was Lord Wellesley of the soundness of his proposals, that he proceeded to carry them out without waiting for the directors' sanction. They, however, regarded his scheme as unnecessarily elaborate and expensive, and to his great indignation, refused to approve of anything more than the maintenance of the college as a school of oriental languages. After 1804, it was confined to Bengal civilians; from 1835, it ceased to be residential, and was abolished in 1854, by which time it had long outlived its usefulness.

The directors, however, were so far persuaded by Lord Wellesley's arguments of the need for providing their servants with a higher education, that in 1806 they founded a college in England, which was first housed in Hertford Castle, and then moved in 1809 to Haileybury, where new buildings had been erected. The age of admission was originally 15, but was raised in 1833 to a minimum of 17 and a maximum of 20 years. Four years later the maximum became 21 years, and the limits of age for admission remained at 17 to 21 till the college was abolished in 1857. The curriculum included oriental languages and literature, mathematics, natural history, classical and general literature, law, history and political economy. The course lasted two years.

'The object of this establishment', says the prospectus of 1806, 'is to provide a supply of persons duly qualified to discharge the various and important duties required from the civil servants of the Company in administering the government in India.' The college achieved its object. It produced men who, as members of the civil service, realized that 'there were certain traditions to be kept up and handed over, . . . a political faith to be cherished, and a code of public and private honour to be rigidly main-

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tained.¹ But it is difficult for a modern civilian to write with restraint about old Haileybury, the home of famous men, and his fathers who begat him. So long as the I.C.S. continues in the Haileybury tradition, it cannot go far wrong.

When the Company received the *diwani* of Bengal in 1765, and so found itself faced with the task of undertaking its financial and civil administration, it was in a curious position. It held various tracts by various titles. In Calcutta itself, it was a *zamindar*, collecting rents, exercising certain judicial powers, and paying the revenue to the Mogul government. In the Twenty-four parganas, it was also a *zamindar*, but paid the revenue to Clive and his heirs till 1785, since he held the district as a *jagir*.² It held the districts of Burdwan, Midnapur and Chittagong, which were ceded by Mir Jafar in 1760, in full sovereignty. And in the rest of Bengal, it was *diwan* from 1765. Yet in the *whole* of Bengal it, in fact, exercised supreme power; and in making its administrative arrangements the Company was compelled to reconcile *de jure* appearance with *de facto* reality. Moreover, neither the Company nor its servants had any knowledge of the work of government: and the latter, being primarily traders, and also being ignorant of the language and customs of the people, were ill-fitted for such work. The Company, accordingly, was forced to make many experiments and to learn from its own mistakes: and the history of the change over from trade to administration is peculiarly complicated.

Till 1756, the administrative and judicial work of the Company's servants was confined to Calcutta, and has already been described. In 1757, the same system was presumably extended to the Twenty-four parganas. From

¹Speech made at a Haileybury dinner at Calcutta in 1864. See *Memorials of old Haileybury College*, page 93.

²A revenue-free estate. See Glossary.

CHAPTER IV.

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The Charter Act of 1833 required the Company to wind up its commercial affairs; and until 1858, when its long connection with India came to an end, its sole concern was the government of its territories. That indeed was enough to absorb all its energies, for the annexations during this period were so large that by the end of it, the area which the Company ruled was much the same as that which the King-Emperor rules today, exclusive of Upper Burma, which was annexed in 1886. *Regulation & non-regulation.*

Many of the territories newly acquired were in a parlous condition. Some, like Kumaon, had for many years been ruled by an oppressive government. Some, like the Punjab, had recently been a theatre of war. Some, like Oudh, where the government was weak, were infested by bands of robbers, such as that which murdered a civilian named Ravenscroft¹ in 1837. Others, such as Assam and Lower Burma, were inhabited by primitive tribes. The existing law, with its elaborate formalities and complex procedure, was unsuitable to any of these; they required a simpler form of administration. The provinces were accordingly classified into 'regulation' and 'non-regulation'. The former were the older provinces, governed by the laws made

¹He appropriated large sums of public money at Cawnpore and when discovered, escaped into Oudh.

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under various charters, which laws, until 1834, were called regulations. The others were the newer provinces, which were exempted from the operation of those laws, and governed by executive orders of the governor-general in council. The chief feature of the administration in these non-regulation provinces was its simplicity. All authority, whether executive, revenue, or judicial, lay in the hands of the head of the district, who was called deputy commissioner. He was under the control of the divisional commissioner, whilst the province was ruled by a chief commissioner, assisted by a financial commissioner, whose duties were those of a board of revenue in a regulation province, and a judicial commissioner, who was the chief court of appeal. The rule of the deputy commissioner was personal and paternal; and though he was ordered to conform as far as possible to the principles of the regulations, he could use his own judgment in cases which were not covered by any applicable law. One of John Lawrence's Punjab maxims was 'do a thing regularly and legally if you can do it as well and vigorously in that way as irregularly and illegally'.¹ *Si possis, recte: si non, quocunque modo.*

The institution of non-regulation provinces led to a further change, namely, the employment of military officers in civil posts. Lord Cornwallis had begun this practice as far back as 1792, when he entrusted the ceded districts of Madras to Read and Munro. The Charter Act in the next year had reserved all civil offices below that of member of council for regular civilians; but it now became impossible to maintain them in this privilege. Some of the new provinces must be pacified before they could be brought under any stable form of government, by the suppression of the robbers and disbanded soldiers who overran them—work more suitable to the army than to the civil service, which, in any case, had not enough men for all the work involved.

¹Quoted in O'Malley, *The Indian Civil Service, 1601-1930*, page 58.

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Accordingly, it became a common practice to appoint military officers to civil posts in the non-regulation provinces. This naturally caused some resentment amongst the regular civilians; and there is no doubt that sometimes the authorities—notably Lord Ellenborough, who disliked civilians, and Sir Charles Napier in Sind—overdid the practice. It also gave opportunities for the exercise of patronage; military officers were appointed to the higher posts in non-regulation provinces, thus blocking the promotion of the civil servants who filled the lower; and in 1875, after a memorial presented by some members of the service had been debated in parliament, an order was passed that the claims of civilians should always be considered when any vacancy occurred. Nevertheless, the system was generally successful. Possibly the results were best where the military and civilian elements were judiciously blended, as in the Punjab, which was jointly administered by the two Lawrences, Henry the soldier, and John the civilian. It also worked remarkably well in the Kumaon Hills, where Traill, a civilian, who was commissioner from 1816 to 1835, and Sir Henry Ramsay,¹ a soldier, who was commissioner from 1856 to 1884, successively bore the unofficial title of 'King of Kumaon'.

In course of time, as the condition of the non-regulation provinces improved, the need for special methods of administration disappeared. After 1876, military officers ceased to be employed in Oudh, the Central Provinces, and the non-regulation tracts of Bengal and the North-Western Provinces; after 1885, in Sind; after 1903, in the Punjab; and after 1907, in Assam. They are still employed, however, in the North-west Frontier Province and in Burma.

The last Charter Act of 1853 introduced a further important change in the method of recruitment to the service,

¹He left his private house in Almora to government, to be used (free of charge) as a rest-house for inspecting officers.

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when the practice of nomination by directors was abolished, and appointments were thrown open to competition. Lord Grenville had already suggested this in 1813. The Charter Act of 1833 actually laid down that the directors should nominate annually three times as many candidates as there were vacancies, of whom one-third should be selected by a competitive examination; but at that time the directors, anxious to retain their patronage, got a bill passed which deferred this provision. But in 1853, Lord Macaulay, who had sponsored the proposal of 1833, had his way; and the first competitive examination was held in 1855. It is often argued that though appointment by competition may provide India with more brilliant servants, yet appointment by nomination secured for her more devoted servants, because the nominees mostly came from families with old traditions of Indian service. But there are, in fact, still many civil servants in India who come from such families. There is, however, more truth in the criticism that competition, whilst nominally throwing open the service to Indians, actually debarred them from entering it, because their caste custom forbade them to go overseas. Few changes took place in the structure of the service before 1858. About 1834, Lord William Bentinck created the posts of joint magistrate and deputy collector, the nature of which is sufficiently indicated by their names. Another change, confined to Bengal, was of a temporary kind. The functions of the magistrate had at first been carried out by the district judge, and then by the collector. They were now taken from the latter, and every district had three officers, judge, collector, and magistrate. This arrangement, which did not work satisfactorily, was abandoned after the Mutiny.

Leave on full pay at this period was granted for one month in a calendar year, and furlough for three years after ten years of service. If it was spent in Europe, the

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officer received £500 a year, but ceased to have a lien on his appointment; but by a curious anomaly, if he spent his leave in Ceylon, Australia or South Africa, he was allowed to draw one-third of his pay, to retain a lien on his appointment, and to count his leave for service. Civilians were allowed to retire on pensions of £1,000 a year after twenty-five years' service, of which twenty-two must have been spent on active service, a period which was subsequently reduced to twenty-one years. Till 1919, a part of the pension was subscribed by the servant himself, to the extent of 4 per cent. of his pay and allowances. All civil servants again, whether married or unmarried, subscribed to a family pension scheme, by which widows received £300 a year—which is why the civilian, in the calculations of mothers with marriageable daughters, was regarded as 'worth £300 a year, dead or alive'. He is worth more now, but prices have risen, and match-making mothers want more for their daughters.

Life of the Civilian

Those who would learn what the life of a civilian was like during this period cannot do better than consult a book called *Curry and Rice, on forty Plates*.¹ On three of these 'plates' are portrayed the judge, the magistrate, and the joint magistrate. Turmeric, the judge, is 'right at the top of the social tree'. He has been 'parboiling in India' for thirty-two years; and his judicial soul is saturated with appeals, criminal cases, decrees, circular orders, and the like. His ambition is to get into council.² In private life he is hospitable to a degree—and very musical, playing both the 'cello and the violin, and both badly. Chutney, the magistrate, loves lords and hates the military. But 'the district is admirably watched over and cared for under his guidance'. He seems to spend most of his time on public

¹Turmeric, Chutney, and Huldey (*haldi*) are all ingredients of curry, or condiments that go with it.

²A legislative councillorship: see page 72.

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works, such as the mending of roads and the making of bridges; and it is true that in those days the magistrates did much of the work that is now done by technical departments. Huldey, the joint magistrate, is a bit of a dandy, with curled hair, the rudiments of a moustache, and the sprouts of an early whisker. He is also a sportsman with many horses, and what would now be called a 'bobbery pack'¹ of dogs. He holds his morning court on his verandah—reading a newspaper, with a cup of tea by his side and a cigar in his mouth, whilst his clerks 'monotonously and nasally race over the documents'. He is a great man with the ladies—to whom he talks shop; and he reads prayers in church when the padre is absent—like his predecessor the factor, 150 years before him.

The transfer of government to the Crown made very little difference to the service in the matter of its rights and privileges; those which it had received by the Charter Act of 1793 were confirmed by the Indian Civil Service Act of 1861, though seniority ceased to be the only road to promotion. Nor did it affect its organization, which was much the same then as it is now. There were two civilian members in the governor-general's executive council, and two in each of the councils of Madras and Bombay. The secretariats were much smaller than they are now: Bombay had four secretaries in all, and Madras had three, but Bengal and the North-Western Provinces had only one apiece. All the regulation provinces except Bombay had boards of revenue, and all of them had commissioners, except Madras. In 1861, both the supreme courts and the *sadr adalats* were abolished in the presidency towns, being replaced by high courts, in which one-third of the number of judges were to be civilians. A high court was created at Allahabad for the North-Western Provinces in 1866 in place of the two *sadr* courts.

¹A bobbery pack is a pack of dogs of assorted breeds.

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But after 1858, there began a progressive process of Indianization—be it said at once, a natural process—which greatly altered the composition of the service; and it becomes necessary to trace its course.

There had always been an Indian element in the administration. The earliest British collectors were first assisted, and then replaced, by Indian *diwans*. Long before the end of the 18th century, Indians were holding judicial posts, of *munsif*, *sadr amin*, and 'register'¹; and in 1789, an Indian was chief judge of the court of appeal and circuit at Benares. But, generally speaking, Indians at this time were excluded from the higher judicial posts and from all posts in the executive branch; and even at this time, they regarded their exclusion as a grievance. The parliamentary committee which inquired into the Company's administration before their charter was renewed in 1833, recognized that the grievance existed and was reasonable; and their report led to the famous clause in the Charter Act of 1833, which laid down that no native of British India, and no natural-born subject of His Majesty resident therein, 'should by reason only of his religion, place of birth, descent, colour, or any of them be disabled from holding any place, office, or employment under the Company.' But though the clause read well, it had little effect. Lord William Bentinck threw open the office of deputy collector to Indians: in 1843, an act was passed which permitted Indians to be made deputy magistrates: generally speaking, they were admitted in larger numbers to the uncovenanted service: but not to the covenanted, which still retained the monopoly of all posts on more than £500 a year, conferred on it by the charter of 1793.

Though the Charter Act of 1853, in theory, threw the covenanted civil service open to Indians by introducing the principal of competition, it had little practical effect.

¹A subordinate judicial post.

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Only rich men could afford to send their sons to England, and caste restrictions prevented orthodox Hindus from crossing the 'black water'. One Indian became a member of the I.C.S. in 1864. Three more joined him in 1871. But the principle of competition had clearly failed to provide Indians with a chance of free admission to the service of the Crown, which the Queen, in her proclamation of 1858, had promised to them.

It would be wearisome to relate the various attempts made between 1858 and 1879 to increase the rate of Indianization: there was agitation both in England and in India, which took as a rule the form of demanding the introduction of simultaneous examinations in both countries. Educated Hindus, the East India Association founded by Mr. Dadabhai Naoroji, M.P., other private members of parliament, the government of India, the secretary of state, parliament itself, all lent a hand. At last, in 1879, the statutory civil service was created. It was to be composed of young men of good family and fair education, nominated by the provincial governments: the yearly number of entrants was to be one-fifth of the total number of appointments to the I.C.S. in that year. No more need be said of this service, which was a failure: in all sixty-nine statutory civilians were nominated before it was abolished. In the same year, however, Lord Lytton issued more important orders which reserved the uncovenanted service for 'natives of India', namely, for Indians proper and the domiciled community; and also laid down that all appointments, both executive and judicial, which carried a pay of 200 rupees or more a month, if made in India, should be reserved for that service. This rule secured for it a large number of posts—in all, nearly three times the number reserved for the I.C.S. But neither educated Indian opinion nor the government of India was yet satisfied; the former again pressed for simultaneous examinations,

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the latter recommended adding an oriental language to the subjects of examination, and the direct appointment to I.C.S. posts of sufficient Indians to make, with those who passed the examination, eighteen per cent. of the total recruitment.

In 1886, the secretary of state appointed a public service commission under Sir Charles Aitchison, which he instructed 'to devise a scheme . . . to do full justice to the claims of natives of India to higher employment in the public services'. As a result of their recommendations, the statutory civil service was abolished; and in 1892, provincial and subordinate civil services were established by subdivision of the existing uncovenanted service, which are still in existence. To the subordinate civil service were allotted the lower uncovenanted posts—of *tahsildar*¹ in the executive and of *munsif* in the judicial branch. To the provincial civil service were given the higher uncovenanted posts of deputy collector and subordinate judge; and also one-sixth of the executive and judicial posts reserved for the I.C.S., which posts, however, were to be transferred not all at once, but gradually, so as not to injure the prospective rights of those members of the latter service who had been recruited to fill them. These 'listed posts', as they are called, numbered 150 at the beginning of 1935, of which 132 have so far been transferred. Provincial and subordinate services are both recruited in the provinces where they serve; and the former now calls itself by the name of its province, *e.g.*, the Bengal civil service, the United Provinces civil service, and so on.

Admission to the provincial services is sometimes by nomination; sometimes by examination; sometimes by promotion from the subordinate service; sometimes by a combination of two or more of these. At the present time it can safely be said that all the provincial and many of the

¹See Glossary, and page 92.

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subordinate service officers are graduates of Indian universities; and when one compares in memory the provincial civil servant of thirty years ago with his successor of the present day, one cannot doubt that the latter is far superior to the former.

Even then, however, Indian public opinion was not satisfied. In 1893, a resolution recommending simultaneous examinations was passed by the House of Commons, which, after extensive inquiries had been made, was allowed to drop. In 1912, another public services commission under Lord Islington was appointed, which made far-reaching proposals; but it did not report till 1915, when the war made it impossible to change the existing system. Further proposals were made by Mr. Montagu and Lord Chelmsford in 1918, and by the Lee commission on the superior civil services in 1924, which need not be stated in detail. It is enough to say that whereas in 1915 there were only 63 Indians in the service, or 5 per cent. of the total number, in January 1935 there were 412, or nearly 32 per cent., excluding 132 listed posts. Under the existing scheme the I.C.S. by 1939 is to be half British, and, including the listed posts, half Indian; whilst simultaneous examinations in London and Delhi were introduced in 1922.

At the present time, Indian politicians constantly press for Indianization in another form, namely, the increased employment of their countrymen in the higher or 'selection' posts, such as those of a secretary or a head of department. The reply is twofold. Firstly, such posts must obviously go to men of some seniority and experience; and secondly, Indian members of the service who answer to that description are already getting their fair share of them. In April 1936, in all India, there were only forty-seven such officers with more than sixteen years' service; and of them, thirty-three (including eight high court judges), were hold-

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ing such posts, one was a commissioner, three were on leave, and only ten were holding posts in the regular line, all of them collectorships or judgeships.

In August 1917, His Majesty's government declared that 'the increasing association of Indians in every branch of the administration' was an integral part of their policy. The policy was not new: over a century ago, it found expression in clause 87 of the Charter Act of 1833, already quoted. That its fulfilment has been so delayed, is due principally to two causes. It was held that the British element in the premier service must be predominant, so that it might maintain the stability of British rule; for were the latter to cease, India would quickly relapse into the state of anarchy in which the British found it. Now, the only question at issue is whether existing standards of administration can be maintained by a smaller number of British officers. And secondly, there had been abroad a feeling that whilst the average Englishman possesses the mental and moral qualities essential for the task of administration, the average Indian does not. If that was ever true—and positive assertion was impossible, since no Indian had ever been given a chance of showing whether he possessed them or not—it is not true now. Indians have governed provinces, have filled the posts of executive councillor and minister. Indian members of the I.C.S., provincial civil servants on attaining 'listed' rank, have served with distinction as commissioners, secretaries, heads of department, and high court judges; one of the latter after retirement was first agent to the government of India in South Africa, and later became an executive councillor. There are many promising young men amongst the new recruits, who have joined the service since simultaneous examinations were instituted in 1922. Undoubtedly, the Indian officer of the present day is infinitely superior to his predecessor of thirty years ago. Especially, he is no longer

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afraid of responsibility—the charge most commonly levelled at him in former years.

Nevertheless, the great majority of Indian officers are subject to a disability from which their British colleagues are free. For they belong either to the Hindu or the Muhammadan community; and between these there exists a deep-rooted antagonism, which is due not only to differences of religion, but of custom, of tradition, and of history. The fire of communal hatred is always smouldering, and a trivial incident may set it ablaze. In a time of communal disturbance the Indian officer on the spot is always liable to be suspected by the other community of favouring his own, whether there is ground for suspicion or not. A British officer, however, is manifestly disinterested; and when communal feelings are running high, it is common for both parties to demand that such an officer be sent to take charge.

Towards the beginning of the present century, there were complaints from the service that though prices had risen greatly, their salaries remained unaltered. The Islington Commission of 1912 inquired into the matter; but its report, though presented in 1915, was not published till 1917, and its recommendations on this particular matter were not carried out till 1920. At that time the service was divided into a number of grades, each on different pay: there were three grades each of assistant magistrate, joint magistrate, and collector. An assistant magistrate of the second or third grade could only get promotion when he had both passed his departmental examination by a prescribed standard, and had received higher magisterial powers. But from the first grade assistant magistrate upward, promotion was automatic. A permanent vacancy, e.g., the retirement of a commissioner, gave the senior man in every grade below him, except the last two, a permanent rise in pay. A temporary vacancy, such as resulted from

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taking leave, would similarly give officiating promotion, when the officers concerned, so long as the vacancy lasted, drew, in addition to their own pay, a fixed proportion of the difference between their own pay and that of the grade above theirs. It was a complicated system. As may be supposed, it took a considerable time to work out a list of thirty or forty 'chains' of officiating promotions or reversions, such as occurred respectively at the beginning and end of the leave season; and about two months after the beginning or end of the vacancy concerned, one used to receive a payslip entitling one, in the first case, to draw pay on a higher scale, plus a sum of back pay, and, in the second case, to draw pay on a lower scale, with a refund of any pay drawn in excess. In short, though an officer always knew what pay he was drawing, at certain times of year he was never sure what pay he was entitled to draw, which made the management of his private budget difficult; and when the graded system was abolished on the Islington Commission's recommendation in 1920, I doubt if anybody regretted its demise. It was replaced by a time scale, to which was added an overseas allowance.

In the same year, government granted the service another important concession. Formerly, as already stated, the civilian had himself provided a part of his pension by a contribution of 4 per cent. of his pay; henceforward, government took on itself the full pensionary charge, and instituted at the same time an I.C.S. provident fund, into which a member must pay not less than four per cent. nor more than 12½ per cent. of his pay. The government of India pays interest on the accumulations in the fund: and the sum at a member's credit is paid to him on retirement, or to his heirs at death.

The changes made in 1920 had been estimated to give an average rise of pay of 15 per cent., but the exchange

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value of the rupee fell, and the benefit proved to be no more than 8 per cent. This, however, was entirely insufficient to cover the increased cost of living in India; and in 1923-4, the Lee commission on the superior civil services made further recommendations, of which two are especially important. The overseas allowance fixed in 1920 was first increased, and then turned into sterling at the rate of ten rupees to the pound. The result was that an officer who was formerly drawing, for instance, an overseas allowance of 250 rupees, thereafter drew 'sterling overseas' pay of £30, which being, at the current rate of exchange of 1s. 6d., equivalent to 400 rupees, gave him an increase of 150 rupees. And secondly, the commission granted to all officers passage allowances, to be calculated (for a new entrant to the service), at four return first class B passages of the P. & O. line, for himself: another four for his wife: and also one single passage of the same class for each child. These allowances are kept in a passage account, against which is debited the actual cost of each passage as it is taken. It follows, therefore, that if an officer chooses to travel by a lower class than first class B, or a cheaper line than the P. & O., his total allowances will cover more than four voyages: indeed, if he were always to travel in the 'tourist' class, it would suffice for a full eight. The real value of this concession, therefore, is considerably greater than its face value.

The scheme of pay at present in force, which is that laid down by the Lee commission, is peculiarly complicated. There are two kinds of pay, the 'basic' and the 'overseas'. Basic pay, which is drawn by all members of the service alike, is fixed on two time-scales, the 'junior' and the 'senior'. The junior time-scale applies to officers holding 'inferior' posts—that is to say, all posts below those of district officer and district judge, and posts of equal status, such as those of under-secretary and assistant settlement officer. It

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begins at £405¹ a year, rises by £45 yearly to £720 in the eighth year, and then by £80 yearly to £1,170 in the thirteenth year. In the fifteenth year, it becomes £1,215,² which is its maximum. The senior time-scale applies to all officers holding a 'superior' post, such as that of district officer, district and sessions judge, settlement officer, deputy secretary and secretary to government, and head of department. In the first five years of service, pay on the senior scale is £900² a year: thereafter it rises by yearly increments of £45 to £1,080 in the ninth year, then by £67 10s. yearly to £1,350 in the thirteenth year, then by £90 yearly to £1,800 in the eighteenth year, and lastly, by £45 yearly to a maximum of £2,025 in the twenty-third year. There are, however, also a number of posts 'above the time-scale', which are on fixed rates of pay, such as divisional, financial and judicial commissionerships, the posts of provincial chief secretary and secretaries to the government of India, an upper or selection grade of district and sessions judge, and puisne judges of a high court. The basic pay of these posts varies from £2,700 in the case of a divisional commissioner to £3,600 in the case of a puisne judge or secretary to the government of India. It may be mentioned, too, that certain posts draw additional, or 'special', pay as well as the time-scale: a provincial secretary, for instance, gets an extra £300 a year, and a settlement officer an extra £180. Further, in Madras, where there are no commissioners, collectors in the last five years of the senior scale draw higher pay than collectors in other provinces; the maximum in the twenty-fourth year is £2,610. Overseas pay, which is drawn by British members of the service, is also fixed on a time-scale. The civilian

¹This and other figures look curious. The reason is that the basic pay is fixed in rupees per mensem, of which these are the sterling equivalents per annum.

²The scale only begins in the fifth year, but should an officer hold a superior post before then, he draws the pay of the fifth year.

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draws on this account an extra sum of £135 a year during the first four years of his service, of £180 during the next two years, of £300 during the next five years, and from his twelfth year for so long as he is on the time-scale, an extra sum of £360 a year. Further, any officer who is drawing £2,700 a year as basic pay is entitled to draw £160 a year as overseas pay; but no officer whose basic pay is higher than this can draw overseas pay at all. During the first four years, overseas pay is drawn in rupees in India: thereafter it is drawn in sterling in England.

In the ordinary course of events, an officer will remain on the junior scale for the first five years of his service. For the next three years he is likely to officiate in a superior post for short periods of a few months each in leave vacancies, during which periods he will draw pay on the senior scale. But from his ninth year, his tenure of a superior post should become continuous, and reversion to the junior scale would be most improbable and unlucky. The only time that I can remember when there were numerous reversions of officers who would normally have held superior posts, was the winter of 1914-15, when every available man was recalled to duty because of the Great War.

India suffered like the rest of the world from the economic depression which began in 1930. In 1932 the finances of government were in so parlous a condition that it became necessary to reduce the salaries of all government servants. The 'cut in pay', as it was called, was 10 per cent. in 1932-33, but was reduced to 5 per cent. in each of the succeeding years, and was removed at the beginning of 1935-36. Further, the rates of Indian income tax were not only raised higher than ever before, but a surtax of 25 per cent. was also imposed, of which only half has yet been remitted (in 1936-37). Customs duties were also greatly increased. European officers of government were thus hit very hard, for whilst their salaries were reduced their ex-

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penditure remained much what it was before. There were many cases of hardship, with which the secretary of state, when they were brought to his notice, dealt generously; but everybody had to economize wherever he could. Now that officers are once again drawing full pay the situation should be easier; but many at that time must have incurred debt which must be repaid, before they can return entirely to their former habits of life.

In recent years government has established a practice of making advances to officers for the purchase of a motor-car or motor-cycle. There are many officers to whom mobility is essential, and whose usefulness is increased by the possession of a motor-car. In such cases government is prepared to advance¹ the sum of money required to purchase a car, which advance is repayable in thirty-six monthly instalments, with two additional instalments by way of interest. It must not be supposed, however, that the motor-car has entirely ousted the horse as a means of conveyance. An officer in camp cannot do his work properly without going across country, for which he needs a horse. I know some officers who keep horse-boxes on trailers, which they attach to their car and take with them; but as roads are often bad in India, this, though convenient for the officer, cannot always be pleasant for the horse.

Clubs have always played an important part in the social life of an Indian station. In a big centre such as Lahore or Simla or Lucknow, they are both large and well-appointed: they possess the usual billiard-room, reading-room, smoking-room and card-room: they generally have residential quarters, not only for men but sometimes for married couples, and provide all meals, not only for their resident, but for all members. They often have other adjuncts, such as a library, a ballroom, a stage for theatrical performances, tennis courts, and a squash court; whilst in Naini Tal,

¹The advance is secured on the car itself, which must be insured.

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where there is a lake, there is also a club boat-house, with sitting-rooms, changing-rooms and a bar. In the smaller stations the club is not so pretentious; but it usually possesses a billiard-room, a card-room, a sitting-room, and a library, and two or three tennis courts. I cannot at the moment remember a single district in the United Provinces which has not its club, though one, I admit, consists only of a library, a soda-water machine, and an artisan who makes the soda-water.

Till a few years ago the social life of the station always centred in its club. In the evening, after office hours, there was always an influx of members, each bent on his own particular occupation, which was not always amusement. I have known much public business to be settled by consultation between the officers concerned in some retired corner of the club. For instance, at the time when India was straining every nerve to secure an adequate contribution to a certain war-loan, one particular station in the United Provinces pledged itself to raise a crore¹ of rupees. To my knowledge, much of that crore was raised by the collector in the bar of the club. There would be a drink, or perhaps two; and then the collector's victim would hurry to the telephone to tell the manager of the bank (who took care at that juncture to remain late at the receipt of custom), to put down his name for another subscription.

But since the economic depression began to upset everybody's private finances, attendance at the club has been greatly reduced. There are also other reasons for the change. Electricity has now reached many places where formerly it was only found in the club, which had a generating plant of its own; and there is now much more comfort in a private bungalow than there used to be, and less inducement to seek it elsewhere. There is also far more

¹A 'crore' is a hundred 'lakhs'; a 'lakh' is a hundred thousand. A crore is therefore ten million rupees, or at 1s. 6d., £750,000.

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work to be done; and the officer who could always look on his evenings as his own, is now often compelled to devote those evenings to dealing with his files or his correspondence, and to drink his evening peg as he does it.

Another change which affects especially clubs in hill-stations is the passage advance, already mentioned. Officers who formerly spent a couple of months in the hills on leave, now take a trip home instead, the cost of which is no greater (if they travel by the tourist class), than that of the visit to the hills used to be.

CHAPTER V

Administration in London, Delhi and the Provincial Capitals

In the preamble of the Government of India Act of 1919, soon to be replaced by the Act of 1935, parliament made itself responsible for the welfare and advancement of India, and asserted that it, alone, was competent to decide the rate and nature of its constitutional progress. Parliament's concern with Indian affairs has not always been as great as this. For the first century of the Company's existence, it evinced no interest at all in India, and very little in the Company. For the next seventy years, though it interfered considerably with the Company's affairs at home, it was interested in India only in so far as events there reacted on England's relations with other European countries. It is only from 1784 onwards that it has increasingly asserted its determination to control India.

Parliament's first contact with India was in 1641, when the old company laid a petition before the Commons, complaining of King Charles's grant to Courten's association of a licence to trade in the East Indies. In 1690, 1692 and 1693, the Commons in various ways urged the King to bring the old company to an end; and in 1698 they themselves created by act a new company, to whom the King was to grant a charter. From that date to 1853 all the Company's charters were incorporated in acts of parliament.

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The interference of parliament in Indian affairs was at its greatest between 1767 and 1793. During this period the operations of the Company were twice subjected, in 1772 and 1781, to a rigorous examination by parliamentary committees. Three acts of major importance were passed—the Regulating Act of 1773, the India Act of 1784, and the Charter Act of 1793—together with a number of minor acts. Clive was attacked in Parliament in 1772, Warren Hastings was impeached in 1787. And all through these years India was entangled in party politics.

The most important of all the measures passed during this period was the India Act of 1784. It brought into being a board of control of six commissioners, consisting of the chancellor of the exchequer, a secretary of state, and four privy councillors. Their duties were 'to superintend, direct and control all acts, operations and concerns which in any wise relate to the civil and military government or revenues of the British territorial possessions in the East Indies', words which reappear almost *verbatim* in the Government of India Act of 1919, with reference to the secretary of state. Thus, from 1784 the ultimate control of India's destinies lay with the government of the time, and therefore with parliament.

From 1793, the attitude of parliament towards India began to change. Till 1815 it had little time to devote to Indian affairs, for Napoleon and his armies engrossed all its attention. India itself attracted less interest, for it was no longer regarded as an inexhaustible treasure-house, but merely as a distant and somewhat troublesome foreign country. In any case, its destinies were safe in the hands of the board of control, which enjoyed the confidence of the House. Nevertheless, the interest of parliament in India was revived from time to time whenever an India bill came before it, especially the bills for renewal of the Company's charter which occurred every twenty years, and were

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always preceded by a commission of inquiry. After 1858, though the transfer of the government of India to the Crown emphasized the supremacy of parliament in Indian administration, its indifference to that administration increased. The circumstances of 1784 were repeated: parliament, having just entrusted to a new secretary of state the responsibilities of India, was disinclined to interfere with his discharge of them—to pull up the plant which it had just sown to see how it was growing. Similarly, though parliament undoubtedly had power to legislate in respect of the internal affairs of India, it preferred to leave the task to the new Indian legislatures which it had just created. In 1861, the Indian Councils Act, the Indian High Courts Act, and the Indian Civil Service Act were passed; in 1892 and 1909, acts were passed which modified the composition and powers of the Indian legislatures; but apart from these, parliament's legislative achievements were few, and until 1919 also relatively unimportant.

And, in truth, parliament received little encouragement to show interest in India. Once a year it received a report¹ on its moral and material progress, which was 'a précis of a series of summaries'—as full of information as a dictionary, and nearly as unreadable. In each year there was only one regular occasion when Indian affairs came under its review, namely, the budget debate. But the budget was no budget, but merely a statement of the accounts of the past year and of the revised estimates of the next; and the debate was conducted by a few members who knew India, and a few others who thought that they knew it. There were, of course, other ways in which a member could draw the attention of parliament to Indian affairs. But though many questions were put in both Houses and there were occasional discussions, especially in the House of Lords, yet it

¹This report used to be prepared in London. It is now prepared in Delhi.

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remained true that only a few members showed even a spasmodic interest in India, till the new constitution of 1919 came under consideration.

There is no need to relate in detail all the changes in the administration of India which have been carried out from time to time by parliament, but a few of the more important must be described, as nearly as possible in the order in which they occurred.

The first of these was the creation of the post of governor-general of Bengal in 1773. At first the three presidencies of Bombay, Madras and Bengal were all independent of each other, though all alike subordinate to the Company's directorate in London. But when, on the disruption of the Mogul empire, the Company was forced to take a hand in Indian politics, this independence could not longer continue. The roads were mere tracks, and distances were long, especially between Bombay and either Madras or Bengal, so that it was difficult for two presidencies to act in concert; indeed, it was even possible that Madras and Bombay should take different sides in a quarrel between two Indian princes, and thus find their forces actually arrayed against each other. It became imperative to create a superior authority at one presidency, with power to control the other two; and accordingly the Regulating Act of 1773 turned the governor of Bengal into a governor-general, and forbade the governors of Bombay and Madras to make war or peace without his previous consent. Communications, however, were so bad, that the change had less effect than was expected, and the governor-general who wished to interfere with the making of war by another presidency, found himself more than once able only to interfere with the peace treaty that ended it. The India Act of 1784 emphasized and enlarged the supreme control of the governor-general, and the Act of 1793 extended it to matters of internal administration. By that act the governor-general

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was also permitted to visit a presidency, and take charge of it with the assistance of its council, thus temporarily superseding its governor, as Cornwallis did in Madras in 1791. The presidency governors, however, generally resented such interference, and the governor-general found it no easy matter to impose his authority on them.

As already explained, the India Act of 1784 brought a board of control into being, with wide powers to control administration in India. They had access to all the Company's correspondence; they might disapprove or modify the despatches of the directors in urgent or secret matters; and they could issue orders which a 'secret committee' of the directors must send out as their own. From time to time, the constitution of the board was modified, till at last it consisted of only one person, its president, who was often a member of the Cabinet—the direct predecessor of the secretary of state for India.

This change had an interesting effect on the composition of the Indian civil service. Formerly, nominations had been given on payment of cash; they now became to some extent the price of political support. For many years, the president of the board of control (Dundas), was a Scot, and accordingly young Scots were able to obtain his patronage through the intervention of their members of parliament. Thus began a long connection between Scotland and India, from which both countries have, no doubt, derived benefit. The connection is still maintained. Not many years ago, a Scottish member of the civil service, on being transferred to a particular district where a number of other Scots were living, remarked that 'he, at all events, could speak the language', and made the remark in an accent which proved his contention.

The Charter Act of 1833 created the post of governor-general of India. It was also intended to create a separate governorship of Bengal, but this was ultimately postponed

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till 1854, when the first lieutenant-governor of Bengal was appointed. Until that date the governor-general of India continued to administer Bengal 'in addition to his other duties'—as a modern gazette would put it. The arrangement, besides overworking the governor-general, had its inconveniences. It was, I think, Lord Dalhousie who complained that as governor of Bengal he had to seek his own sanction as governor-general to increase the pay of a menial.

The Act of 1833 vested 'the superintendence, direction, and control of the civil and military government' of India in the governor-general in council, and not in the governor-general. India is governed not by an individual but by a committee, of which the governor-general is a chairman, with a casting vote. Ever since the time of Lord Cornwallis he has had the right to overrule his council; but since 1858, that right has been used only twice—by Lord Lytton in 1879, to reduce the custom duties on imported cotton cloth, and by Lord Elgin in 1894, to impose an excise duty on cotton cloth manufactured in India.

✓ The Act of 1833 raised the membership of the governor-general's council from three to four. The original three were, as before, servants of the Company, two of whom must be civilians, whilst the third might be either a civil or military officer. In due course he became the military member. The fourth member, though appointed by the directors, was to be selected from outside the ranks of their service. His special duty was to assist the council in its legislation, and he was entitled to attend only meetings held for the transaction of legislative business. The first law member was Macaulay, who had been both a commissioner and secretary of the board of control. In the sphere of law, his chief work was done as head of the law commission, which ultimately prepared and passed the Indian Penal Code and the Code of Criminal Procedure.

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But he also left his mark on Indian education, for he, more than any man, is responsible for making English its basis. The commander-in-chief could also be, and in practice always was, appointed an extraordinary member.

In 1858, the control of India passed from the Company to the Crown, and a new post of secretary of state for India was created by the Government of India Act of that year. His powers were very great. The governor-general in council must obey his orders. No legislative measure could be introduced, and no change of taxation made, without his approval. He controlled the home charges on pensions, leave salaries, military equipment and stores of all kinds. He transacted for the government of India all their business in England. He was constitutional adviser of the Crown on all matters relating to India. 'He inherited generally all the powers and duties which were formerly vested in the board of control, or in the Company, the directors and the secret committee, in respect of the government and resources of India.'

But he did not inherit one of the Company's most important assets—the vast store of experience and special knowledge which the Company had accumulated at India House. And if he was to supervise successfully the government of a distant country which he had never seen and of millions of people of whose customs and habits of life he was ignorant, then he must be provided with advisers who had seen the country and had known the people. The act accordingly created a council of fifteen members, nine of whom must have served or resided for ten years in India, and have left it within the last ten years. Like English judges, they held office during good behaviour, and were irremovable except on an address presented by both Houses. The authority of the council was considerable. All orders relating to the government of India's business transactions in England, and all orders and communications

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with India must be laid before it, except such as the secretary of state held to be 'secret' or 'urgent'. The concurrence of the majority of the council was required in all matters relating to expenditure from the revenues of India, on all loans raised on their security, to the making of all regulations for the distribution of patronage amongst the authorities in India, to the restoration of an officer removed or suspended by such authorities, and to the appointment to certain posts of persons not belonging to the Indian civil service. In other matters the secretary of state, as president of the council, could overrule it; and the member who disagreed with him could only record a minute of dissent.

Under the India Act of 1784, the directors retained their patronage, with full control of all matters relating to their civil service. In 1858, this control passed to the secretary of state in council, and neither the Act of 1919 nor that of 1935 has impaired it. He makes regulations prescribing the age and qualifications of candidates and the subjects of their examination. He appoints the successful candidate to be a member of the 'civil service of India', and decides the province where he will serve. It is with him that the new-made civilian enters into his covenant. He makes rules to govern his pay, his pension, his leave, his retirement and the conditions of his service. Since no officer may be punished or dismissed by any authority lower than that which appointed him, it is he who has the ultimate decision in all disciplinary cases; and it is to him that the civilian appeals for redress of a grievance. It is he who watches to see that an officer's present or prospective rights are not endangered by an administrative change. This is no easy task, for though both the prospect and the right can be defined, it is not always clear when a prospect has become a right. On the other hand, he does not interfere in questions affecting promotion, which he leaves entirely to the central and provincial governments.

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It was in 1858 that the title of viceroy was first used in the Queen's proclamation, to show that, with the transfer of the government of India to the Crown, the head of that government had also become the Crown's representative. The only statutory title, however, is 'governor-general'.

The governor-general is appointed by the King on the recommendation of the prime minister. Since 1786, when Lord Cornwallis was appointed, he has generally been a man of high social rank, with wide experience of public affairs—sometimes a statesman, sometimes an administrator, sometimes a diplomat, but always a man who had already given his proofs.

Since 1858, the governor-general has always possessed certain important powers of his own. He was, till 1919, the president of the Indian legislature. He could give or refuse assent to any bill, and could reserve any bill for the consideration of the King in council. His previous sanction was required to the introduction, in any legislature, of measures affecting the public revenues and debt, religious, military and naval matters, and relations with Indian states or foreign powers. By an act of 1861, he could, and still can, make ordinances for the peace and good government of India in cases of emergency, which remained in force for six months. Finally, as representative of the Crown, he had the prerogative of mercy and pardon.

In 1861, a fifth member was added to the executive council, to provide it with expert financial advice; and it will be convenient here to mention subsequent changes in its constitution. A sixth service member for public works was added in 1874, and in 1904 was converted into a member for commerce and industry. By this time the constitution of the council had been fixed at three service members, a law member, and a finance member, and two military members. Of these one was the ordinary member, in charge of military finance, supplies, transport, ordnance

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and works: the other was the commander-in-chief, who was responsible for organization, discipline and promotion, and preparation for war. His proposals were submitted to the governor-general by the ordinary military member with his comments. Lord Kitchener, when commander-in-chief, took strong objection to this arrangement, and in spite of Lord Curzon's opposition, succeeded in getting the military membership abolished. In 1909, it was replaced by a fourth service membership for education and sanitation. And in that year, too, the first Indian member was appointed.

About the same time, an important change was also made in the council's methods of work. Before 1861, the council had dealt as a whole with all business laid before it. This led to excessive discussion of unimportant detail; and since all papers were circulated to all members, also to the excessive writing of minutes. Lord Canning, however, introduced the portfolio system, by which each member was placed in charge of one or more departments. All references were first submitted to the member in charge, who decided finally those that were unimportant, and reserved the rest for discussion at his weekly interview with the governor-general. Only matters of moment, and those on which the governor-general and the member concerned could not agree, were laid before meetings of the whole council. The change relieved the councillors of much irritating waste of time, and expedited the despatch of business. The portfolio system is still in force, both in the central and provincial governments.

Apart from the three presidencies, no province came into existence till 1836, when the North-Western Provinces were carved out of Bengal and put in the charge of a lieutenant-governor.

By an Act of 1854, the governor-general in council was empowered, with the consent of the directors and the

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board of control, to take under his immediate management any part of the territories in possession of the Company. Thus the Central Provinces in 1861, and Lower Burma in 1862, were placed under chief commissioners, to whom the governor-general delegated administrative powers. In 1886, Upper Burma was added to Lower Burma, and entrusted to a lieutenant-governor who took the place of the former chief commissioner. Assam became a chief commissionership in 1874. From 1905 to 1912, it was added to the eastern half of Bengal, and became a new province under a lieutenant-governor; but when the partition was annulled, it again became a chief commissionership. Bihar and Orissa became a lieutenant-governorship in 1912, the North-West Frontier Province and Delhi became chief commissionerships respectively in 1901 and 1911. At this time neither lieutenant-governors nor chief commissioners possessed executive councils.

The growth of the legislatures may now be briefly traced, first at the centre, and then in the provinces. Every successive charter since 1600 had granted, either to the Company or to its officers in India, a certain measure of legislative power. Small at first, it increased gradually as the scope of the Company's administration increased; but all through, the power of legislation, such as it was, lay in the hands of the executive council. In 1853, however, a separate legislative council was for the first time created. Its nucleus was still the executive council, whose law member now became a full member, with the right to attend all meetings; but for purposes of legislation there were to be added to the executive council certain persons who were called legislative councillors. They consisted of the chief justice of the supreme court of Calcutta, one of his puisne judges, a senior civilian nominated by each governor or lieutenant-governor, and two other civil servants (though in practice these were never appointed). The sys-

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tem was not successful, chiefly because these legislative councillors proved themselves unexpectedly obstructive. The two judges were entirely independent of government; whilst the legislative councillors were for the most part men who had been passed over for the post of executive councillor in their own provinces, and had no hope of further promotion. They had views of their own, and did not hesitate to express them, often to the discomfiture of government; and they also tried to interfere in executive business to the extent of calling for papers and asking questions.

In 1861, this official legislature was abolished, and it was laid down that when laws were to be made the governor-general should summon to assist his executive council from six to twelve additional members, of whom half were to be non-officials. The powers of this council, however, were restricted to legislation. They could neither ask questions nor move resolutions, nor deal with finance. It was to this council that Indians were first nominated.

In 1892, there were further changes in the composition and nature of the central legislature. Its membership was increased; nominated members were to be not less than ten nor more than sixteen, whilst the number of non-official members was increased to ten. Of these ten, five were to be nominated by the non-official members of the four provincial legislatures of Bengal, Madras, Bombay and the North-Western Provinces and Oudh, and a fifth by the Calcutta chamber of commerce. Thus the principle of representation was introduced, and indirectly the principle of election. This legislature had greater powers than its predecessor. The budget was placed before it and thrown open to discussion, though not to vote. The asking of questions was also permitted.

As early as 1807, the governors in council of Madras and Bombay had been given a power of making regulations, but they were deprived of it by the act of 1833; and the

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history of the provincial legislatures only begins in 1861. It was then laid down that for purposes of legislation the executive councils of the presidencies, namely Bombay and Madras, should be expanded by the addition of the advocate-general as an *ex officio* member, and of not less than four, and not more than eight nominated members, of whom half were to be non-officials. Similar legislatures were established for Bengal in 1862, for the North-Western Provinces in 1886, for Burma and the Punjab in 1897 and for the Central Provinces in 1913.

These legislatures were enlarged in 1892. The number of nominated members was fixed at not less than eight, and not more than twenty in the case of Madras and Bombay: in Bengal and the North-Western Provinces, the maximum was fixed at twenty and fifteen respectively. The nomination in certain cases was based on election in certain constituencies. The chambers of commerce, the landlords and the universities all had a representative each. Others were chosen by representatives of district and municipal boards. The president of the council was the governor or lieutenant-governor.

But all these changes amounted to no more than tinkering with the legislatures. It was the Indian Councils Act of 1909, in which were embodied the Morley-Minto reforms, that first brought into existence a body with some of the attributes of a parliamentary institution. The number of members in the central legislature was increased to sixty, including eight *ex officio* members. Of these, twenty-seven were elected, the remainder were nominated. In the realm of finance the council was now enabled to move resolutions on any item of the budget, and to vote upon them. It was also enabled to move and vote upon resolutions relating to matters of general public importance. The right of interpellation was extended by allowing the member who put the original question to ask a supplemen-

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tary question. Of this council the governor-general was *ex officio* president.

And at the same time the composition and functions of the provincial legislatures were also greatly modified. The total number of members in all councils was increased; in Madras, Bombay, Bengal, the United Provinces and Eastern Bengal, the maximum number was fifty, whilst in the Punjab and Burma it was thirty. The immediate increase in the number of elected members in all the legislatures was from thirty-nine to 135. There was a small majority of non-official members. Constituencies were chiefly formed of municipalities and district boards who gave their votes in groups, though there were also some special constituencies, such as chambers of commerce and universities. One vital decision was the concession to Muhammadans of separate representation and separate electorates. *Mutatis mutandis*, the functions and privileges of the provincial legislatures were the same as those of the Indian legislature.

Until 1919, provincial governments were in law merely subordinate agents to the governor-general in council. They were bound to obey his orders, and since he had full control of Indian finance he had the means of compelling their obedience. It was a period of great centralization. But the distances of India are vast; till 1858 its communications were bad, and government from the centre is ineffective unless there is ready access from that centre to all parts of the circumference. Before the Mutiny, therefore, the provincial governments enjoyed, in practice, a large measure of independence; but from 1859, with the advent of the railway and the telegraph, centralization became effective. In the administrative sphere, the central secretariat set itself to codify everything capable of codification, and to embody everything else in manuals. The government of India initiated principles here, supervised performances there, and interfered everywhere. Regardless

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of local differences of custom, language and economic conditions, it tried to shape all the provinces in the same administrative mould. It is doubtless desirable that there should be unity of administration where the government is unitary; but in India the most that can be achieved is a leaven of unity in a lump of diversity. And though it may be true that the provincial officer, immersed as he was in routine details, could not always see the wood for the trees, for many years the central officer could not always see the trees for the wood.

Centralization was greatest in the financial sphere. No provincial government could incur a fresh charge, even on the rebuilding of a tumbledown stable or the appointment of a low-paid menial, without first obtaining the sanction of the government of India; the result was a stream of trivial references as embarrassing to the recipient who had to deal with them, as it was annoying to the provincial governments who had to send them. All revenues belonged to the governor-general in council, who annually allocated to each province such funds as it required—or rather, as it demanded, for no attempt was made to ascertain real requirements, and the province which opened its mouth widest got the largest mouthful. Again, since all savings effected in a provincial budget must be surrendered to the government of India, there was no incentive to economy. Indeed, there was a direct incentive to waste, for every province feared that if it did not spend its revenues to the full, they would be regarded as unduly large, and be reduced in the next year.¹

This system of financial administration caused so much friction, that in 1872 there began a progressive process of decentralization. It would be tedious to describe all the

¹Hence that 'rush of March expenditure', against which finance departments fulminate. But the offenders are no longer the provincial governments, but the spending departments, who conceive themselves to be in the same position now as the provinces were then.

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details of this process, which ended in 1912. The position at that date was as follows. The limits of expenditure which required the government of India's sanction had been raised considerably. The various heads of account were divided into three groups, called imperial, provincial and divided. The government of India took all the receipts and paid all the charges under the first group, the provincial governments under the second group, whilst the two shared the receipts and charges under the third group in various proportions. This financial settlement was to be varied only in abnormal circumstances, such as a war or a famine. The provinces could utilize their savings as they pleased, and retain their balances. They still had to submit any proposals to raise taxation for the sanction of the government of India, and submit their budgets to its scrutiny, but in practice its interference with the latter was greatly reduced. They could not, however, raise a loan. Finally, from time to time, when the government of India had money to spare, it would give a share of it to the provinces, usually for some specified kind of expenditure—a somewhat demoralizing practice, for the provinces began to rely too greatly on these doles.

The Government of India Act of 1919 entirely changed the nature of Indian administration, especially in the provinces. Till then it had been a benevolent and beneficent autocracy. It had turned chaos into order; it had substituted the rule of law for the rule of force; and it had pressed western science into the service of India. The people understood it, and on the whole approved of it; even its critics gave it grudging admiration.

A national spirit was born under this autocratic regime, which was quickened and strengthened by the Great War. India had given freely both of her men and her treasure. She had been given a place in the imperial war cabinets and conferences; she had seen a larger part of the adminis-

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tration transferred to Indian hands than ever before. There was no doubt that sooner or later she must be granted self-government. Accordingly, the British government in 1917 committed itself to a policy which was formulated in this famous phrase—‘the increasing association of Indians in every branch of the administration, and the gradual development of self-governing institutions, with a view to the progressive realization of responsible government in India as an integral part of the British Empire.’¹ It is on this formula that the Montagu-Chelmsford reforms were based. In the mouth of a British statesman a ‘self-governing institution’ can only mean a ‘parliamentary institution’, and a ‘responsible government’ can only mean an executive responsible to such institution. Clearly, if Indian parliaments were to be created, superior control of Indian administration must be relaxed; equally clearly it could not be altogether abolished, since as yet there was no Indian electorate, and as yet few, if any, Indian politicians had any practical experience of public affairs. The dilemma was solved by an ingenious compromise. The provincial administration was divided into two parts. One of these, consisting of such subjects as law and order, land revenue and finance, was ‘reserved’ for the governor in council, who, as before, was responsible to parliament through the secretary of state. The other part, consisting of such subjects as education, agriculture, public health and industries, was ‘transferred’ to Indian ministers, who were elected members of an Indian legislature, and responsible to it in exactly the same way as a British minister is responsible to parliament. This system of administration, which was called ~~dyarchy~~,² was extended to all the pro-

¹The terms of it were attributed to Lord Curzon. Ronaldshay, *Lord Curzon*, III, page 167.

²The term was first applied to the division of the provinces of the Roman empire between Augustus and the senate. Butler, *India Insistent*, page 74, note.

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vinces. All the lieutenant-governors and chief commissioners became governors, and were provided with executive councils. At the same time the provincial legislatures, called legislative councils, were much enlarged, with a great majority of elected members and a small block of officials and nominated members, amounting to about one-sixth of the whole.

The various subjects with which administration is concerned were divided into central and provincial, which latter, as just explained, were subdivided into reserved and transferred. In respect of reserved subjects the provincial governments remained, as before, subordinate to the governor-general in council; but in respect of transferred subjects they became almost entirely independent. They could not, however, interfere with such services as were recruited in England by the secretary of state and were called all-India services—a fact which caused a great deal of resentment amongst Indian politicians, and occasionally a great deal of embarrassment to ministers in the legislature.

In the financial sphere, the provinces secured a larger measure of independence than ever before. As before, the central and provincial governments took all receipts and paid all charges in their respective groups of subjects; but the provinces now received the power of enhancing existing taxation, and of imposing certain kinds of new taxes, without the sanction of the government of India. They also were enabled, with such sanction, to raise a loan.

The dyarchical scheme was necessarily imperfect. For instance, should the legislatures prove inimical to the reserved subjects which were only partially under their control, they might interfere seriously with their administration. They could, for instance, refuse to pass legislation relating to them, or to supply them with funds. To prevent this, the governor was given two emergency powers; the

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first enabled him to declare that a legislative measure was essential for the discharge of his responsibilities, in which case it became an act, after being considered by the Crown and laid before both Houses of parliament. Secondly, if the legislature refused to vote funds for a reserved subject, the governor was empowered to certify that the expenditure was essential for the discharge of his responsibility in respect of that subject, whereupon the grant was restored.

The position of the governor in the dyarchical system was peculiarly difficult. Himself, except in the three presidencies, a sun-dried bureaucrat, he had as colleagues,¹ firstly—two councillors, one of whom was another sun-dried bureaucrat, the other an Indian gentleman with conservative views, who had usually some experience of administration, even if it were only that of his own business or estate; and secondly—two ministers, both with progressive and expensive policies, which were sometimes their own, sometimes imposed on them by their parties. Though each half of the government was responsible to a different legislative master, he himself (since he acted with both halves), was in practice—whatever the theory might be—to some extent responsible to both those masters; and there is good authority for the statement that a man cannot serve two masters. He has been compared to a Janus, with one face looking towards Whitehall (or rather Westminster), and the other looking towards the neighbouring council chamber. But there are apter similes. A dyarchical government, if it observed the principles of dyarchy, was like a coach drawn by four horses—two leaders which were entirely unbroken, sometimes restive, and knew no pace but a gallop; and two wheelers, one well broken to administrative harness, which knew no pace but a trot, and one which, though generally steady, sometimes broke into a canter. It

¹In some provinces there were four councillors instead of two, or more ministers than two.

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needed an expert driver to handle a team of that kind. And when all was going well—which was when the government forgot that it was dyarchical and behaved as much like a unitary body as it could—then the only suitable simile is that of four sons sharing a bed with their father, all of whom turn when father says turn. In a dyarchical system government was not a matter of policies, but a matter of opportunism—preferably intelligent.

Dyarchy was born under a malignant star. From the first its defects were painfully apparent. Economic conditions were so frequently unfavourable, that the finance member was never able to supply the ministers with all the money that they needed for their departments, and thus the conflict between 'reserved' and 'transferred' in the realm of finance, which was the chief weakness of dyarchy, was constantly brought into prominence. Again, ministers, themselves devoid of administrative experience, were forced to rely on the governor and their official subordinates for expert advice, which weakened their own influence and powers of initiative. Thirdly, except in Madras, there was no organized party system. The council was divided into a number of groups, each with interests of its own but few with a constructive policy. Each minister could usually command the support of one of these groups; by bargaining either with other groups or with individual members, he could usually secure a further supply of votes. But to pass his measures he had always to rely on the official bloc. And when ministers, if they are to discharge their responsibilities, must look to an irremovable executive alike for money, for advice, and for votes, it is vain to suggest that there is a responsible government.

But the scheme did produce a certain measure of *personal* responsibility. Ministers were completely responsible to the legislature, since the latter, by refusing to vote their salaries, could bring their tenure of office to an end. Simi-

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larly, the legislature acquired a sense of responsibility in respect of the transferred subjects and the ministers. They criticized the latter freely, but they were never willing to turn them out of office. Since 1920, I have only known one vote of no-confidence to be carried against a minister.

In 1925, the Muddiman committee, set up to examine the working of dyarchy, produced two reports which, though differing in other respects, agreed in condemning it. In 1930, the Simon commission concurred in that condemnation. Since then dyarchy has had no defender; according to Sir Harcourt Butler,¹ the word was used in India alternatively as a term of abuse, and the name of a new tennis-racket. And yet that 'pedantic, hidebound constitution' managed in most provinces to avoid complete failure. That was due chiefly, in the words of the Simon commission, to 'the existence of a highly efficient administrative machine, and the resource and energy which those two services (namely, the I.C.S. and the Indian Police) brought to bear upon the difficult problems to which the reforms gave rise.'

All the greater credit is due to those two services because of the depressing conditions in which they had to work. Many were at first afraid that administrative changes would cause material damage to their prospects of advancement, though those fears were allayed when they realized that the secretary of state in council was still both the arbiter and custodian of their fortunes. Many others regretted that reduction of their official authority which would inevitably result from the new constitution, the sacrifice of efficiency to political expediency which it entailed, and the bitter racial hatred to which they were subjected. It is not surprising that so many—about a tenth of the whole number—took advantage of the rules which permitted premature retirement on proportionate pension,

¹*India Insistent*, page 75, note.

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and that those who stayed lost, for a while, a part of their former zeal and their former driving power.

Under the act of 1919, the administrative powers of the governor-general remained as they were, except that he was no longer president of the central legislature; but as the act had created a lower chamber of the central legislature, with a strong elected majority, it became necessary to give the governor-general the same emergency powers to protect his legislation and his supply which were given to the provincial governor. The frequency with which these powers were used is sufficient proof of their necessity.

The act of 1919 left the number of the governor-general's executive councillors unlimited. Three must have served in India for at least ten years; one must be an English or Irish barrister, a Scottish advocate, or an Indian high court pleader, in all cases of not less than ten years' standing. Since 1921, the number of Indian members has always been three; and in 1936, the total number was seven, including the commander-in-chief, who is still an extraordinary member.

By the act of 1919 the central legislature became bicameral. The lower chamber, called the Indian legislative assembly, consisted of 145 members, of whom 104 were elected and the rest nominated. Of the nominated members not more than twenty-five were officials. The franchise was lowered considerably; the total electorate numbered well over a million. The assembly could pass legislation, though no bill became a legal act until it had also passed the other chamber. It could move resolutions, votes of censure, and motions of adjournment; it could put questions and supplementary questions. It thus possessed some power of supervising the administration, and an almost unlimited power of criticizing it. Its powers in respect of finance were also increased. Proposals for the appropriation of revenue were submitted to its vote in the

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form of demands for grants, which it might approve, reject, or reduce. Its proceedings, however, in respect both of finance and legislation, were subject to modification by the governor-general's emergent powers. And certain charges were not submitted to the assembly's vote at all, notably debt charges, the salaries and pensions of persons appointed by the King or the secretary of state in council, and expenditure classified as 'ecclesiastical', 'political' and 'defence'.

The second chamber, called the council of state, was an upper chamber with sixty members (including the president). Out of these, thirty-three were elected and twenty-six nominated, of whom twenty might be officials. The electorate was relatively small. It had full legislative powers, and like the lower house could move resolutions, adjournments, or votes of censure, and put questions or supplementary questions. Its financial powers were restricted. It could discuss the budget, but it did not vote grants. It could, however, consider, amend, reject, or assent to a finance bill; but its amendments must be accepted by the assembly.

In all the provincial councils constituted by the act of 1919, there was a large non-official elected majority. Not more than 20 per cent. of the membership might be official, and at least 70 per cent. must be both non-official and elected. The balance of 10 per cent. was usually non-official and nominated. The franchise was greatly lowered; the total number of electors in all governors' provinces, excluding Burma, was over seven millions. The council had the same powers as the legislative assembly in respect of legislation, the budget, resolutions, questions, motions of adjournment and votes of censure. In the provincial as in the central budget, there was a certain amount of non-votable expenditure.

The act of 1919 to some extent reduced the powers of

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the secretary of state. Since under the dyarchical constitution transferred subjects were controlled by ministers responsible to the provincial legislature, it was impossible for the secretary of state, responsible to another legislature, to control them too. And accordingly the act of 1919 limited his power of interference to safeguarding the administration of central subjects and to deciding disputes between two provinces. In respect of reserved and central subjects his authority was practically undiminished. But the scope of his duties was greatly reduced by the appointment of a high commissioner for India. He is the agent of the government of India in England, and has taken over all its commercial business from the secretary of state, together with the control of so much of the home charges as relate to the payment of civil pensions and leave salaries, and the purchase of stores other than military stores.

The act of 1919 made certain changes in the composition of the secretary of state's council. The number became not less than eight and not more than twelve, as the secretary of state might determine. Three members must be Indians, and half of the members must have served or resided in India for at least ten years, and not have left India more than five years before their appointment.

The legal relationship between the governor-general in council and the secretary of state in council was clearly laid down in the act of 1919, as it was in former acts. The governor-general in council was required to pay due obedience to all such orders as he might receive from the secretary of state. He was also bound, of course, to ask for the secretary of state's orders when his prior sanction was required to any proposal. But in practice the relationship between the two has depended to a great extent on the personal equation. For instance, when Lord Curzon was viceroy, the secretary of state described himself as the viceroy's 'ambassador in England'. When Lord Morley was at the

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India Office the viceroy was regarded, and on one occasion described by an under-secretary, as 'the secretary of state's agent in India'. The cases are exceptional, for both Lord Curzon and Lord Morley had strong personalities. In ordinary circumstances, the government of India would only be overruled in exceptional cases and for strong reasons. On the other hand, should the secretary of state disagree with the governor-general, it was the latter who must give way.

The improvement in communications between England and India has affected the relations between the authorities in Whitehall and Simla. In the old days a governor-general who asked for instructions from home was unlikely to receive them before a year had elapsed. He was accordingly often compelled to act without orders, and for that reason he was more apt to do so even when it was unnecessary. And strong men like Lord Wellesley would often present the directors with a *fait accompli*,¹ and then ask for sanction to its accomplishment. But the Suez canal, the submarine cable, and in recent years the air mail have greatly reduced the governor-general's opportunities for using his own discretion. For many years, he has been able to obtain the secretary of state's orders in a few days or even hours, and accordingly was obliged to ask for them, even in cases where formerly he would have acted without them. And now the viceroy is threatened by the overseas telephone. Fortunately its expense is still great. There are few subjects worth discussing at a cost of £1 10s. a minute.

By the preamble to the act of 1919, parliament asserted in unmistakable terms its power to control Indian affairs. By the inclusion of the secretary of state's salary in the British estimates, it also secured an opportunity for debating Indian affairs on a live issue, namely, the reduction of that salary, which is equivalent to a vote of censure.

¹As in the case of Fort William College: see page 35.

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It created a standing joint committee of both Houses, whose duties were to study Indian problems and to report on them to parliament, to advise the secretary of state on any matters which he referred to them, and generally to stimulate interest in India both in the Houses and outside them. And finally, it decided that when ten years had elapsed, a statutory commission should be set up to review the working of the reforms, and the possibility of their development along the lines laid down in the pronouncement of 1917. Sir John Simon's commission was accordingly appointed in 1927. Its report, published in 1930, undoubtedly fixed the attention of parliament on India, and the Round Table Conferences which followed kept it fixed. Since 1795, when Warren Hastings' long trial came to an end, parliament has never devoted more time to Indian problems than during the five years 1930 to 1935.

Dyarchy is now dead. Parliament has decided that the time has come for India to advance another stage, and a long one, on the road of constitutional progress. The new constitution which is embodied in the Government of India Act of 1935, relates not only to British India, but to all India, which is to be consolidated by means of a federation. That constitution will be described in a later chapter. Meantime, this chapter may be concluded by an attempt to show the administrative machine at work.

Let us suppose that an amateur economist who is writing a monograph on small holdings, finds it necessary, for the strengthening of his argument, to state the number of Indian peasants who possess three acres and a cow. Failing to find the figures in his usual books of reference (*Whitaker's Almanack* and *Pears' Encyclopædia*), he bethinks himself that as a taxpayer and an elector, he is entitled to call on the member representing his constituency for help. The member (whose seat, we may suppose, is so insecure that he dare not offend even one elector), puts down a question. The

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secretary of state for India, pleased to find even one elector who is interested in Indian questions, orders his staff to obtain the information; and the question starts, by cable, on its long journey to India. It reaches the governor-general in council, who, remembering with relief that acres and cows are provincial subjects, passes it on to all provincial governments; and the question travels onwards in a haze of profanity—from secretary to commissioners, from commissioners to collectors, from collectors to subdivisional officers, and from them to village accountants¹; who, having no subordinates to whom they can pass it on, proceed to answer it themselves. After making due enquiry, they send in their figures to the subdivisional officer, who incorporates them in a subdivisional total: the latter sends that total to the collector, who incorporates it in a district total: and so on, through all the authorities already mentioned, till at last an all-India total reaches the secretary of state, who gives it to the M.P., who gives it to his constituent, who can then get on with his monograph. It is perhaps fortunate that the British elector, even if he be an economist, is rarely tempted to interfere in Indian affairs, though he actually has the power to do so, for he can 'call the secretary of state and the home cabinet to account if unacceptable things are done in India'. For the average man in a British street is profoundly ignorant of India. He knows that it lies somewhere east of Suez, because Kipling has told him so. He has heard of Lucknow, because Tennyson wrote a poem about the Residency. He imagines India to be populated chiefly by rajas, nabobs, baboos, pundits, sepoy and coolies—because all these Indian words have passed into his own language. But I have had to explain the location of the United Provinces to a British elector by the statement that 'it lies about the middle of the broad bit, up at the top of the map.' I have heard another say

¹For these officers and their duties, see Chapter VI.

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that a Pathan was 'a sort of large snake', because he pronounced the name 'Paythan', and confused it with 'python'. A third has asked me whether a pagoda was not an Indian tree—having presumably heard of the practice of shaking it. A fourth (of the gentler sex) told me that Mr. Gandhi 'was a positive dear, but *so* troublesome'—which is an inadequate description of Mr. Gandhi. India, it is said, is outside the sphere of party politics. 'In England' said Lord Curzon, 'there are no two parties about India.' But India's danger, if it were to become a party question, would be infinitely less than if it were to become a tea-party question.

India's system of administration can be likened to one of her own canal systems. From the catchment area of the British electorate, authority flows into the reservoir of parliament, escaping thence in a steady stream through the sluice gate of the India Office, till it spreads over the vast area of British India, to the benefit, let us hope, of her millions of people. At Simla, in the provincial capitals, and in the district headquarters, it reaches falls, over which it drops, step by step, nearer to the level of its objective. A simile must not be worked too hard; yet one is reminded that both at Simla and at the provincial capitals, a part of the stream is diverted into departmental channels, which spread far and wide all over the country—such departments as those of commerce, posts, telegraphs and railways at Simla, of police, irrigation, education, agriculture, public health and other 'nation-building' departments at the provincial capitals. There is also the subsidiary stream of judicial authority, derived from a different source, namely, the King's Privy Council, which is linked on to the main system in the district magistracies. The Government of India Act of 1919 provided the system with a new reservoir of authority in the shape of provincial legislatures, taking out of a new catchment area in the shape of the

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Indian electorate. And lastly, the Act of 1935 has the effect of greatly increasing both this new reservoir and new catchment area. But the reservoir of parliament and the catchment area of the British electorate still remain at work.

The number of civilians engaged in headquarters administration is not large. In the provincial capitals, they include the governors, except in the three presidencies and Burma; and one, or in some cases two, members of the executive council. At Delhi, there are at present three members of the governor-general's council who belong to the service, of whom one has retired. In London, there are also four retired members of the service on the council of the secretary of state, and two or three others who have posts in the India Office. But though the number of such civilians may be small, their duties are important. For whereas the great majority of the service execute policy, they formulæte it.

CHAPTER VI

District Administration

‘The unit of administration throughout British India is the district—a word of very definite meaning in official phraseology. The district officer, whether known as collector, district magistrate or deputy commissioner, is the responsible head of his jurisdiction. Upon his energy and personal character depends ultimately the efficiency of Indian government. His own special duties are so numerous and so various as to bewilder the outsider; and the work of his subordinates, European and Indian, largely depends upon the stimulus of his personal example.’

This quotation, which comes from the article on India in the India Office List, describes in tabloid form most of the characteristics of the district officer, and will serve as a text for this chapter.

1. The District

The district, of which there are some 250 in British India, is thus described in the Montagu-Chelmsford report. ‘The average size of a district is about 4,430 square miles, or three-fourths the size of Yorkshire. Many are much bigger. Mymensingh district (in Bengal) holds more human souls than Switzerland. Vizagapatam district (in Madras) both in area and population exceeds Denmark. In the United

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Provinces, where districts are small and the population dense, each collector is on the average in charge of an area as large as Norfolk, and of a population as large as that of New Zealand.²

For the assistance of the reader who does not know the areas of Denmark and Norfolk, or the population of Denmark, Switzerland and New Zealand, it may be added that the population of Mymensingh is four millions, that the area and population of Vizagapatam are respectively 17,000 square miles and three millions, that the average size of a district in the United Provinces is about 2,200 square miles, and that its average population is just over a million.

The districts are generally split up into subdivisions, each in charge of one of the district officers' assistants, either a junior member of the I.C.S., or a deputy collector who belongs to the provincial civil service. In Madras and Bengal, the subdivisions are permanent, and their officers reside at a headquarters of their own; but in Bombay and the United Provinces, the district officer can subdivide his district in such way as best suits administrative convenience, and the subdivisional officers reside at district headquarters when not on tour. In Bengal, the subdivision is the smallest administrative unit, but in most provinces it is broken up into *tahsils* or *taluks*, under officers of the subordinate civil service, who are called *mamlatdars* in Bombay and *tahsildars* elsewhere, and usually have a deputy, called *naib tahsildar*, to assist them. *Tahsils* are subdivided into the circles of the revenue inspector, called supervisor (or *girdawar*) *kanungo*. The primary territorial unit of administration is the village, with its three officials—the headman, the accountant, and the watchman.

Much has been written of the village communities of India. The characteristics which have attracted most attention are their antiquity, their permanence and their

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self-sufficiency. 'The village communities', wrote Sir Charles Metcalfe about 1830, 'are little republics, having nearly everything that they can want within themselves, and almost independent of foreign relations. Dynasty after dynasty tumbles down: revolution succeeds to revolution: Hindu, Patlan, Mogul, Maratha, Sikh, English are masters in turn: but the village communities remain the same.'¹

Villages are of two kinds. There is, firstly, the *ryotwari* village, in which each cultivator holds his land in severalty, and is responsible for payment of the revenue assessed on it. Such a village often dates back to Dravidian times, and was originally settled by some primitive tribe or clan. Its government is usually in the hands of a hereditary headman, called by various names such as *patel* or *reddi*, who represents the chief of the clan. And secondly, there is the joint, or *zamindari*, village—owned by a single landlord who is responsible for paying the revenue assessed on the whole village, or by a body of landlords, who are jointly responsible for doing so; but cultivated not only by the landlords, but also by tenants who pay rent to them. Such villages are all of later origin than the *ryotwari* villages. Their government was formerly vested in a committee of elders, called *panchayat*—a word which means quintette—and there was no headman. Each village possessed, besides its headman or *panchayat*, the two other functionaries already mentioned, and all three were remunerated by land or fixed fees, usually consisting of grain.

Much of the old village organization has disappeared. The village *panchayat*, if it survives anywhere, has lost all its former influence. The Decentralization commission in 1909, and the government of India in 1918, recommended its revival, to exercise such functions as the supervision of sanitation and education, and also judicial powers in petty cases, both civil and criminal. The principal village officials

¹Quoted in *Imperial Gazetteer*, Indian Empire, IV, page 278.

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were to be associated with them, whilst other members were to be informally elected by the villagers themselves. And in some provinces, for instance Bombay and the United Provinces, acts on these lines have been passed; but though such *panchayats* as have been created are said to have done good work, their number is small, and these efforts to revive an ancient institution have met with indifferent success. The headman survives; and a new headman, in northern India, has been artificially created. The accountant and watchman survive, but are now salaried servants of government. And the village itself survives, and plays an important part in revenue administration.

Every district contains a certain number of local self-governing bodies, municipal and rural. Municipal administration is an exotic plant, for the most part of recent growth. In Madras, a corporation and a mayor's court, already mentioned, were established in 1687 by a charter of James II.¹ In 1726, a royal charter established a mayor's court² in the three presidency towns, whose functions were mainly judicial. The Charter Act of 1793 enabled the governor-general to appoint justices of the peace, who, in addition to their judicial duties, were to provide for scavenging, road-repairs and watch and ward, from the proceeds of a tax to be levied on houses and lands. The next great change took place after the passing of the Indian Councils Acts in 1861, when the local legislatures set themselves to introduce new municipal constitutions; and from this time onward, each presidency town has been governed by its own act. There is, however, a certain similarity between them, and it is unnecessary to describe them all individually. The corporations consist of seventy-two members in Bombay, eighty-five in Calcutta and thirty-six in Madras. In all cases, a majority of them are elected either by the ratepayers, or by special constituencies—chambers

¹See page 24.

²See pages 23, 24.

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of commerce, universities, trades associations—and a minority are nominated by government. The president in Bombay, and the mayor in Calcutta are elected by the corporation: in Madras, he is appointed by government.

Bombay and Calcutta also possess improvement trusts. The former dates back to 1898. Its duties are to reclaim land; to build sanitary houses for the poorer classes: to reduce overcrowding: and to drive wide roads through congested areas. The Calcutta trust, created by an act of 1911, has similar duties. There are also port trusts at the three presidency towns, and Karachi, Chittagong and Rangoon.

Outside the presidency towns, there was no municipal legislation till 1842, and none of any importance till after 1870, when in a resolution on provincial finance, Lord Mayo and his government laid down the necessity of arousing local interest in the management of funds devoted to local purposes. Accordingly municipal acts were passed by provincial legislatures between 1871 and 1874, which widened the sphere of municipal usefulness and extended the elective principle. In 1881, Lord Ripon, the apostle of local self-government, declared his object to be 'to advance and promote the political and popular education of the people, and to induce the best and most intelligent men in the community to come forward and take a share in the management of their own local affairs'; and acts passed in 1883-4 carried municipal administration a long step forward. The elective principle was greatly extended, many towns were allowed to elect non-official chairmen, and at the same time municipal finances were improved partly by relieving them of the maintenance of the town police, which became a provincial charge, partly by transferring to them some items of revenue suited to local management. The acts have been amended or superseded in some provinces by later acts; but the system remained unaltered in its essentials till 1918, when the government of India

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issued an important resolution. This affirmed the desirability of removing official control as far as possible by securing a large elective majority, by lowering the franchise, by providing for an elected chairman, and by removing restrictions connected with the imposition of taxation, the preparation of the budget, and the sanction of works. As a result, a third set of acts have been passed in most provinces, which have the general effect of liberalizing former acts along the lines laid down in the resolution; whilst in some provinces, for instance the Punjab and United Provinces, acts making it possible to establish improvement trusts have also been passed. In the latter province, there are three trusts at work, in Allahabad, Cawnpore and Lucknow.

Every district, except in Burma and Assam, has a district board which exercises in the rural areas functions similar to those of a municipal corporation in a town. Legislation for raising local rates to be spent on local purposes was first passed in Sind in 1865, which replaced a system of local cesses imposed by the former Muslim rulers. A similar act was passed in Madras in 1866: but the credit for the first introduction of local self-government in rural areas belongs to Bombay, where in 1869 an act was passed which associated non-official committees, whose members were nominated by government, with the collector in the management of a cess raised to finance such local objects as roads, schools and dispensaries. From 1870 the course of legislative progress was much the same as that of municipal legislation. A series of acts were passed in the early seventies, and another series in the early eighties, based on the resolutions of the governments of Lord Mayo and Lord Ripon respectively, which have already been mentioned.* The systems introduced by the later acts differ widely. Madras has evolved a triple set of boards: the 'village union', each governing one or more villages through a body called by the good old name of *panchayat*: the *taluk* boards which

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were better called subdivisional boards; since their sphere of action is the subdivision and not the *taluk*: and the district board, which controls the whole of the local administration. In Bombay there are *taluk* and district boards. In the Central Provinces, villages are arranged in groups, each with its board, and a district board is in charge of them all. In Bengal, the Punjab and the North-West Frontier Province, there are district boards, but government has power to establish subordinate boards, and in Bengal has used the power freely. In the United Provinces, there is only (since 1906), the district board: and in Assam, each board deals with a subdivision of the district, and there is no district board.

The principle of election to district boards has been long recognized; but the proportion of elected members was relatively small till 1909, when as a result of the report of the Decentralization commission, it was greatly increased. In most provinces, it became two-thirds: in the United Provinces three-fourths: in Bombay, however, it remained one-half. The collector and subdivisional officer were invariably the chairmen of district and subordinate boards respectively, except in the United Provinces, where the district board could elect its own chairman, subject to confirmation by government.¹ After 1918, as a result of the resolution just mentioned, there have been further changes in the same direction as in the municipalities; especially, the chairmen are now for the most part non-official elected members—assisted, however, by an executive officer appointed and removable only by government.

The functions of a municipal board are generally subdivided into obligatory and discretionary. The obligatory list includes lighting, the cleansing of the public streets, the abatement of nuisances, fire protection, the regulation of offensive or dangerous trades, the removal of obstructions

¹But, in fact, always elected the collector.

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in public streets; the construction and maintenance of streets, culverts, markets, slaughter-houses, drains, sewers, bathing places, drinking fountains and other similar works; the water supply, the maintenance of public hospitals and dispensaries; public vaccination and primary education. The discretionary list includes new streets, public parks, gardens, libraries, museums and rest-houses; agriculture, survey, census and secondary education. The most important functions of the local boards are the maintenance and improvement of local communications; the maintenance of hospitals and dispensaries; drainage, sanitation, vaccination, primary education, the charge of pounds and ferries; and the construction and maintenance of markets, rest-houses and other similar works.

2. The District Staff

In the Deccan, under Maratha rule, the village headman (*patel*) was an important person, being both revenue officer, magistrate, civil judge, and intermediary between the villagers and their rulers. His powers have decreased; but he still collects the revenue, supervises the village watchmen, and keeps the district officer informed of all criminal offences, and also of the health of the village. In Madras, on the other hand, the headman had in former times only a petty criminal jurisdiction: but the early British administrators brought him into prominence, and his powers are now as great as those of the *patel* under the Marathas. He tries petty criminal cases, and as village *munsif*, has also a petty civil jurisdiction. He collects the revenue and sends it to the *taluk* treasury: he maintains order and reports the occurrence of crime to higher authority. In northern India, government has created a new headman to represent the village in its dealings with the

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district authorities, whose name is *lambardar*, a new vernacular term formed from the English word 'number'. He is usually a leading member of the proprietary body, who is responsible for collecting the revenue due from his co-sharers, and paying it in at the *tahsil*. He has also to report the occurrence of crimes. In Bengal there are no village headmen.

From the earliest times, the Indian village community has always entertained among its regular staff of artisans and menials, a watchman or *chaukidar*, whose post was hereditary. He was its servant, and under the orders of its headman, except in northern India, where he was the servant of the landlords. He has now risen a step in the world, and is a member of the village police, a salaried servant of government appointed by the district officer himself, and under his control. His pay is low: in the United Provinces, for instance, he draws three rupees, equivalent to 4s. 6d., a month: and not so many years ago he was deprived of one anna in every rupee— $6\frac{1}{2}$ per cent.—to pay for his uniform. He has many useful functions to discharge. Within the boundaries of his village—for he has no *locus standi* without it—he has power to arrest offenders. He maintains watch and ward, he keeps an eye on bad characters and suspicious persons, and assists in the investigations of the regular police—always within his village. In some provinces he wears no uniform: in the United Provinces, he goes abroad in a blue tunic with red piping, a leather belt with a brass buckle, and a red turban. He is a familiar figure, as he stands on the roadside, with his imitation of a military salute—right hand raised, fingers upwards, over the right eye, accompanied by a half bow from the waist, and one foot gracefully raised behind him as he bows.

The post of village accountant (called *karnam* in Madras, *karkun* or *kulkarni* in Bombay and *patwari* in northern India) is of great antiquity and great importance. The name

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accountant is ill-chosen: his principal duty is to maintain the village record of rights in land, and 'village record-keeper' would suit him better. But he has many other duties. He is an essential witness in all revenue cases, in many civil cases, and in some criminal cases. He is indispensable at settlements and partitions. He counts the cattle every five years, and the people every ten. His crop forecasts influence the movements of prices in the world's grain markets. He helps, as we have seen,¹ to answer questions both in the Indian legislatures and in parliament. He is the general repository of information about his circle of one or more villages: there is little about it that he does not know, less that he cannot find out, and nothing at which he is not prepared to guess. As a doggerel ode to his address puts it, he is a

‘Faithful recorder of tilth and of tillage,
Pretty well all things to nearly all men’.

And in his spare time, he is the village scribe. He is generally regarded as a master of chicanery and all evil-doing; but few of those who regularly curse him and all his works could do without him. Like the *chaukidar*, he is now a salaried government servant—not overpaid for what he does. He is of special interest to the young civilian, who spends a large part of his early camping seasons in inspecting his records in the fields—‘chasing *patwaris*’, as he will probably learn to call it. It is an unexciting form of sport, but one from which he will learn much about the crops, the country and the villagers.

The post of *kanungo*² was first established in the time of Akbar, to maintain the records required by his system of land revenue administration. The supervisor *kanungo* is a peripatetic officer who spends most of his life in inspecting

¹Page 88.

²See also pages 127-8.

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the work of *patwaris*, of whom he has from thirty to fifty in his charge.

The primary duty of the *tahsildar* is to collect the revenue which is payable at the *tahsil*. The greater part of it comes in without difficulty, but there are always a few bad payers against whom the *tahsildar* must use the coercive processes permitted by law, which vary from a reminder or a writ of demand to attachment and sale of the movable or immovable property of the offender, and include imprisonment when the default is stubborn or vexatious. The *tahsildar* sometimes overdoes coercion—as when one of them, having attached property in respect of one instalment which had subsequently been paid, kept it under attachment in respect of another instalment, which had not yet fallen due. But most *tahsildars* use their discretion wisely; and, in fact, the writ of demand is usually enough to ensure payment.

The *tahsildar* has many other duties. He tries revenue suits and, except in Madras, he also tries petty criminal cases. He is in charge of the *tahsil* sub-treasury—a troublesome duty, since only the *tahsildar* and his deputy, the *naib tahsildar*, are qualified to take charge of it, so that one or other of them must always be present at headquarters. He must inspect the work of his *kanungos*; he must make many local enquiries, often in response to an order from district headquarters; he must punctually send in a variety of statements; he must keep an eye on the crops and the weather, on the movements of market prices, and on the state of the roads. The whole welfare of his *tahsil* must be within his ken.

The subdivisional officer, whether a member of the Indian or provincial civil service, always possesses full revenue and magisterial powers; which, in the latter case, means that he can commit offenders to sessions, or sentence them to imprisonment not exceeding two years, or to a fine not exceeding Rs. 1,000. It is on these officers that the

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heaviest part of the court work of the district falls, though they have usually some revenue or magisterial assistants to whom they can send the simpler cases—*tahsildars*, honorary magistrates or assistant collectors, or young members of the Indian and provincial civil services. But the best method of explaining the work of a subdivisional officer of the I.C.S. is to describe the manner in which he spends an ordinary working day in the hot and cold weather respectively.

Thirty odd years ago, a S.D.O. (in India, most posts are known by their initials), in virtue of his office was a member of the district board: or if he was in charge of the district headquarters, of the municipal board instead. And he might also be the excise officer of the district, or the officer-in-charge of stamps, or partitions,¹ or sales, or land records. There were also odd jobs to be done: he might be deputed, for instance, to verify the continued existence of some important government pensioner, to visit some work or other, or to inspect some government institution—the jail or the *patwari* school. I remember one officer, who was a fine horseman, being ordered to teach the art of equitation to a *tahsildar*, who was not. In one way or another, the subdivisional officer had usually a good reason, or could find a good excuse, for an early morning ride. As member of the district board, he could visit road repairs, or a building in progress. (As member of the municipal board, he could make a round of octroi posts, or inspect localities where enterprising citizens wished to erect a new or alter an existing building, so as to make sure that the proposal was in conformity with municipal byelaws. (This process, when I was in Benares, was vulgarly known as 'smelling sites'—a term which explains itself). Or he might, as excise officer, inspect the local distillery and the warehouse where

¹See page 108. Sales, i.e. of property (mostly land) attached by a court.

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excisable articles, such as hemp drugs, were kept in bond. Or he might drop in at a *thana* (police station) to discover how the underworld was behaving—and incidentally, to discover what cases were likely to come before him. Or he might be sent to attend an execution, as magistrate in charge—a gruesome task.

On his return home, he would often find a few visitors assembled to interview him, usually officers or leading men from his own subdivision. These were of two kinds. Either they had merely taken advantage of their presence at district headquarters on other business to pay him a visit of ceremony, and after a little polite conversation, would presently depart; or they had come for a particular purpose, when the length of the visit would depend chiefly on the subdivisional officer's skill in bringing them to the point. After touching and remitting the *nazr* proffered to him, as described in the second chapter, he would begin with a few remarks about the state of the crops, past, present, or to come—as safe a conversational gambit in India as the weather is in England; about the chances of the monsoon, or the health of the visitor's neighbourhood. But sooner or later, he would tactfully ask whether there was any particular way in which he could serve his visitor; whereupon, he must endure a long tale of some third person's iniquity—a too zealous policeman, a too trickful *patwari*, a too coercive *tahsildar*, a landlord too skilful in removing his neighbour's landmark. He would give a sympathetic promise to inquire into the matter—and a safe promise, since he knew that as soon as the party of the other part learnt that he had heard one side, they would take care that he should hear their own. Or the visitor would plead the cause of some young relative, who by the gross injustice of sundry examiners, had twice failed to obtain a degree. The young relative would soon be too old for government service; would not the subdivisional officer

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request the senior member of the board of revenue to make him a *naib-tahsildar*? But (the subdivisional officer would object), he was himself but the merest stripling: he had not even the honour of the senior member's acquaintance: he heard, too, that he was of a choleric habit, and that to ask him for a post was the surest way of not getting it. Did not the visitor think that he had better approach the district officer, who doubtless knew the senior member, and was accustomed to dealing with choleric superiors? In the end the visitor would go sorrowfully away: and the subdivisional officer would also go—to face the recriminations of a wife who had been waiting all this time for her breakfast.

In these days, the subdivisional officer is no longer member of either the district or municipal board. District distilleries have been replaced by a few provincial distilleries of modern type: and much of the excise administration has passed to departmental officers. But if progress has deprived him of interesting duties, it has provided him with others. He can now inspect seed depots and demonstration plots, and tube wells and sugar factories, and villages undergoing the painful processes of rural uplift. He has still both reason and excuse for the morning excursion. And he can go longer distances, for he can use a motor-car instead of a horse. And visitors still visit, and wives still recriminate.

On arrival in court, the subdivisional officer has three pieces of work to which he must attend—his *peshi*, his *sawalkhana* and his cases. *Peshi* means 'placing before', or submission—of documents that require attention. Some will be in English, which he will read himself: the rest will be in vernacular and be read to him by his *peshkar* (the 'placer before'—which is the designation of his court clerk). As for the *sawalkhana*—Warren Hastings long ago laid down that every officer must devote a part of his time every day to hearing complaints, and that a box for peti-

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tions must be placed at the door of every courthouse. The box, I believe, is still there, though it is never used, for every applicant prefers to hand his petition in personally: but every officer devotes a part of his court time to the receipt and the hearing of such petitions—which is called his *sawalkhana*.

Let us suppose that he begins with his *peshi*. His English papers, though few and quickly finished, deserve careful attention: for they often present him with purest gems of English. I once received a petition beginning 'Poor protector, salute. I am your poor Hindu widow'. The statement was a gross exaggeration: I was then, and still am, widow-less. But the explanation was simple—an over-literal translation¹ of idiomatic vernacular. 'Poor protector' was simply *gharib-parwar*, a word which means 'protector of the poor', and is formed in the same way as 'man-eater'. The military 'salute', translating the civilian *salamat*, was reminiscent of the lady's married life, for she was the relict of a sepoy. The 'your' was a vernacular idiom, a kind of polite possessive, suggesting that the speaker is no more than the addressee's chattel. But I felt, for a moment, as if I had been reading my own epitaph.

The vernacular papers will consist for the most part of reports of all kinds from subordinate officers of the subdivision—the *tahsildar*, *thanadars*,² *kanungos* and others. Whether the process of dealing with them is tedious or quickly over, will depend on the *peshkar's* methods. A good *peshkar* will have studied his documents and be able to give a summary of them in a few words; but the *peshkar* of a subdivisional officer is³ often a venerable old man on the eve of his pension, who reads every paper through from the

¹The translator would be a professional scribe with some slight knowledge of English, such as is mentioned in *Kim*—a 'failed B.A.'

²Police station officer, usually a sub-inspector of police.

³Or was in my time. They may be less venerable now.

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beginning to the bitter end, intoning its elaborate phrases in a maddening sing-song, and swaying his body backwards and forwards in time to his own music. Though the subdivisional officer will often have guessed the purport of the document long before the *peshkar* has made an end of reading it, there is no staying that torrent; and he must content himself with damning it.

Sawalkhana may take place at any time, but is usually near the beginning or near the end of court hours. When the time for it arrives, an orderly (*chaprassi*) announces the fact from the door of the courtroom in a stentorian bellow, and a flood of humanity breaks in, each man anxious to get his petition safely into the hands of the *peshkar*. Most of them will consist of the preliminary documents in some revenue or criminal case, and the orders passed will be purely formal. If the petition calls for executive action, then the order is usually that it be sent to the appropriate officer for local enquiry and report. Petitions are rarely interesting: though I remember one, during the Great War, in which the petitioner, a pensioned sepoy, complained that though he had shaved his head, so that the whiteness of his hair did not appear,¹ the recruiting officer had refused to enlist him, and he accordingly offered his two sons in his place—‘though he himself was better than the two of them put together’.

The subdivisional officer's case work will generally consist of a mixed bag of revenue and criminal cases. The revenue cases vary in nature according to the time of year, but there is seldom anything of interest in them, and it is enough to mention that they are tried in the same way as civil suits, with plaint, written rejoinder and framed issues. There is more variety in criminal cases—so far, at all events, as the prosecution is concerned: for the defence

¹A common trick at that time, for many elderly men tried to get back to the army again.

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usually takes one of two shapes—an *adawat* or an alibi. An *adawat* is a feud between two men or two families; and the defence takes the form of 'an enemy hath done this'. A tale is told of a suitor who had been ordered to produce a document. He denied possession of it, until it was found to be tied up in his turban—a fact that he explained by the statement that so and so, with whom he had a feud, had put it there. As for alibis, they usually break down, as they do in other countries, and for the same reason. Either there is no evidence to prove the alibi, or there is too much to be credible. I can only remember two alibis that I have accepted. In one case, the accused was in the custody of the police of another district at the time, charged with another offence: in the other, he was lying, seriously ill, in a hospital bed.

Trying a case in India is a physical as well as a mental strain. A double record is kept of the evidence, unless the case is a trivial one and tried summarily, when no record is kept at all, except such notes as the magistrate may make for his own information. A vernacular record, which is supposed to be *verbatim*, is kept by the *peshkar*; but the magistrate must also make an English abstract of the evidence in his own hand, which involves a large amount of wearisome writing. The same is true of revenue cases. Some officers use typewriters, and the tale is told that one complainant appealed against a magistrate's decision on the ground that instead of listening to the evidence, he had spent all his time in playing on a musical instrument. The ordinary method is not only ruinous to one's handwriting, but drives one to the free use of vernacular words when they can only be translated by some long English phrase—a practice which, in appeal, has sometimes roused the ire of high court judges who like their well of English undefiled.

The subdivisional officer's working day in camp during the cold weather is in some respects similar to his hot

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weather day; in others, it is entirely different. There is the same morning ride, but its objects are not the same. A part of it he will spend in 'chasing *patwaris*'—a form of exercise already described. He will meet his victim by appointment at a given place, and by personal inspection and inquiry, test the accuracy of the entries in his registers. He must inspect his *tahsils*, visit his *thanas*, look in on pounds, and excise shops, and schools, where, since boys are the same all the world over, he will be asked for a holiday, and earn undying fame if he expends a rupee in providing sweets for their holiday's delectation. He will pay return visits to his visitors at headquarters, and discuss the same topics with them. He will inspect localities, the inspection of which is necessary for this suit or that: or make inquiries regarding the circumstances and conduct of ex-convicts: or conduct an investigation in a partition case, which arises when a body of joint proprietors have decided to divide up their property in separate shares. Partition is a troublesome business, for generally every individual wants a share of everything. I have been asked to divide a single tree into sixteen parts, and became unpopular when I refused on the ground that to perform the desired feat, I must cut the tree down first. And the subdivisional officer will return to breakfast even later than in the hot weather: and he will have the same court work—doing it, however, in a tent instead of in a courtroom. And in the evening, he will stroll out with a gun to shoot a game bird or two, or with a rifle to shoot a black buck: sometimes, indeed, if it is good shooting country, he will take either or both with him on his morning excursions too, and need think no shame; for shooting black buck or geese, which destroy the crops, can legitimately be brought under the definition of 'a work of agricultural improvement'. At all events, that is how I used to justify the practice. Occasionally, he will also press his family into the service of the state. His wife,

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for instance, will dole out simple medicines to the villagers, and if the villagers once learn that there is a *memsahib* at hand who is willing to treat their ailments, they will flock from miles to her, even if there is a dispensary with a trained doctor close by. Again, I remember that on one occasion, when I was haranguing an assembly of villagers on the benefits of vaccination, of which they were much afraid, my small daughter, who was standing by and listening, suddenly came forward, pulled up her sleeve and said in vernacular, 'see, I too have been vaccinated'. That gesture had far more effect than her father's eloquence. Thereafter, she insisted on 'helping daddy' with his villagers on every possible and impossible occasion, till, by maternal decree, 'helping daddy' was turned into a reward of merit. The child was remarkably well behaved that camping season.

It has already been mentioned that in some subdivisions the subdivisional officer resides at a headquarters of his own. He has much the same duties to perform, but a larger measure of independence, secured for him by the distance from headquarters. He may also be given certain appellate powers. The chief difference between a residential and an ordinary subdivision, at all events in the United Provinces, is its solitude. The subdivisional officer will generally have no companion of his own race during the hot weather, though a young policeman may be stationed there during the cold. In such cases he will generally develop some kind of hobby. One policeman who was stationed in my subdivision took to carpentry, and made all his own furniture, and very good furniture too. I myself developed an interest in caste customs, principally because there were several primitive tribes in the subdivision, whose customs were peculiar and occasionally nasty. In a residential subdivision one makes many Indian friends. One of mine was an old man, who as a boy had actually

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witnessed the massacre in the boats at Cawnpore, and had known my own father, when he was adjutant of a cavalry regiment in Whitlock's force. I never succeeded in getting him to tell me about his Mutiny experiences. He said they still brought tears to his eyes, and he would not bring them to mine.

It is a proud moment in the life of a young civilian when he takes charge of his first subdivision. He has passed his departmental examinations; he has his foot on the first step of the ladder, and though (with a chief secretary¹ in the offing), he is not master of his fate, he is at all events captain of his soul. He sees visions, and dreams dreams, of turning his subdivision into some sort of Utopia; and he proceeds to do it—sometimes to the embarrassment of his district officer, but rarely to that of the people of his subdivision, who have been through it before with his predecessors, and know how to deal with him, doing whatever it may be that he wants when he is in the neighbourhood, but relapsing into their old habits as soon as he has left it. But when an officer is in the 'carpet-bagging' stage of his life—that is to say, when he takes charge of a district, possibly even of two or three districts in turn, during the hot weather, and reverts to a lower post in the cold—he is apt to become impatient; he has tasted power, and like the tiger who has tasted blood, wants more. During this period, however, he is often transferred to a post of some other kind, in settlement, or the secretariat, or elsewhere, which tides him over an uncomfortable part of his life. And sooner or later he becomes a district officer, when he will probably regret his time as a subdivisional officer.

The district officer in all non-regulation provinces is called deputy commissioner. Of the regulation provinces, he

¹He is responsible for postings of Indian and provincial civil servants.

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is called magistrate and collector in Bengal, Bihar and Orissa and the Agra portion of the United Provinces, but collector and district magistrate in Madras and Bombay—a distinction explained by the relative importance of the two posts in northern and southern India respectively, at the time when they were created. But by whatever name he is known, his powers and duties are always the same.

As collector, his primary concern is the collection of the land revenue, the duty which gives him his name. He also collects other forms of revenue, from excise and stamp duties, from income tax, from canal dues; and he is responsible for the district treasury into which all public receipts are made, and from which all public payments are disbursed. He also tries certain kinds of revenue appeals.

As magistrate, he has first-class powers, but he tries few original cases. He deals, however, with appeals from the magistrates with second- or third-class powers in his district, and he supervises the work of all magisterial courts. Above all, he is responsible for the prevention and suppression of crime and the preservation of peace. This is the most important, as it is the most anxious, of his duties, for there are certain common types of crime—notably dacoity (which is robbery with violence by a gang of not less than five persons), and communal riots—which are a constant menace. Ever since the time of Warren Hastings, dacoity has been well-nigh endemic in some parts of India. Efforts have often been made to suppress it, and at one time, there was a special 'thuggee and dacoity department' to deal with it. But dacoities are still frequent. The nature of them varies. Many are ordinary robberies, which become technically dacoities because of the number of the robbers. Some are incidental to a campaign of other crime: for instance, terrorists sometimes carry out dacoities to replenish their resources, as in the case of the train-dacoity at Kakori near Lucknow some years ago. Some, again, are the work of

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amateur robbers, who may be actuated by other motives than a desire for loot, such as revenge on their victim. But a large number are carried out by organized gangs, often armed and always dangerous; and special measures are usually necessary to break them up. In 1922, the government of the United Provinces was compelled to establish a special police contingent under a British superintendent to deal with such a gang; and it was only after two or three years of severe guerilla fighting that this gang was brought to book. The district officer who never has anything worse than technical dacoities to handle may regard himself as fortunate.

The age-old antagonism between Hindus and Muhammadans is an ever-present source of anxiety to the district officer. A communal riot may come about in many ways. Should a Muhammadan sacrifice a calf, as is customary at the Bakrid festival, or should he cut the branches of a sacred peepul-tree: should a Hindu place a dead pig in a mosque, or blow a conch-shell at the time of prayer—then the result may be a disturbance attended by heavy loss of life, which can only be suppressed by the help of troops. And though riots of so serious a kind may be relatively rare, yet wherever Hindus and Muhammadans live together in the same place, they may break out at any moment. Fortunately, the places where communal disturbances are most likely to occur are well known, being usually those places where such disturbances have occurred in the past. Fortunately, too, both parties, especially in the rural areas, are usually too busy with their ordinary avocations to think of their communal feuds, so that their antagonism is likely to manifest itself only at certain seasons—at the Bakrid festival, for instance, or when Hindu and Muhammadan festivals clash. The district officer can thus take measures to prevent rioting, or to stop it as soon as it begins, by judicious disposal of his magisterial staff and his

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police; or by binding over either party, or both, to keep the peace till the danger is over; or even by sheer bluff, as the following story shows.

In 1914, communal trouble was expected at the Bakrid in a certain village in the United Provinces, which was inhabited by a minority of Hindus and a majority of Muhammadans. A subdivisional officer was sent out to take charge of the situation: he had with him a sub-inspector of police, two constables, and some twenty village policemen (*chaukidars*). The party had only two revolvers and a shot gun between them. The Hindus, being in a minority, would have been content if the Muhammadans, after slaughtering their calves in the appointed slaughter-house, had brought the flesh home without passing the doors of Hindu houses, or wells belonging to Hindus. The subdivisional officer began by selecting a route by which the Muhammadans could bring their flesh to their homes without annoying the Hindus. The Muhammadan leaders agreed to use that route: whereupon the subdivisional officer issued an order to the effect that they must use that route, and no other. But he quickly learnt that they had no intention of obeying it; and accordingly, about 6 o'clock on the morning of the Bakrid, he called on the leaders to show cause why they should not be bound over to keep the peace, fixed a day for the hearing of the case, and as at that time of the morning, they were unable to find sureties, sent them to the lock-up at district headquarters, some thirty-five miles away. But he had also to send a large part of his force in charge of the prisoners, and was accordingly left with some dozen men to ward off the attack of several hundreds. The rest of the Muhammadans went off to the *idgah*, some five miles away, for the congregational prayers which are the principal feature of this festival, openly saying as they went that on their return they would attack the Hindus; but fortunately they could find nobody from any

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other village to lead them, and during the day made their way home in small bodies, and took refuge in their houses. It was still probable, however, that they would break out at night; and it became necessary to devise a plan to keep them quiet. The subdivisional officer with the help of the sub-inspector, accordingly pressed Hindus into service and divided them into patrols, each in charge of a *chaukidar*. These patrols kept on the move all night: whenever two met, one challenged the other in the usual form: the reply was invariably 'I am Constable so and so, with ten men'. The Muhammadans, supposing that reinforcements had arrived, did not venture to leave their houses till next morning, by which time fiction had become fact with the appearance of additional police, and the danger was over. As for the prisoners, the subdivisional officer, deeming it useless to bind them over to keep a peace which they no longer had the chance of breaking, discharged them on his return to headquarters.

The district officer has many executive duties, of which it is impossible to give a complete list, for they vary from place to place and from season to season. He controls the large revenue establishment, from subdivisional officers to *patwaris*. He compiles returns of prices, crop forecasts, and weather reports; he makes loans for agricultural purposes on behalf of government: he must keep government informed of the condition of his district, and of all notable occurrences therein, from meetings of the Indian National Congress to cattle fairs. In some districts, he has to manage large government-estates: in many districts, he looks after the private estates of minors and other disqualified persons that are held in trust by the court of wards—a body whose functions are discharged, as a rule, by the board of revenue or the financial commissioner, though in Bombay and the Central Provinces they are discharged by divisional commissioners, and in the United

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Provinces by a non-official body with a president and secretary appointed by the governor, who at present are both officials. He is constantly consulted by the various technical departments, which require his local knowledge to supplement their expert knowledge. Though he has no longer any direct connection with the local bodies, he still watches their proceedings, and advises them—or government—of any defects that he notices. He is, *ex officio*, either patron or president of any local association or committee that may be formed for any purpose, whether it be a league for combating sedition (*aman sabha*), a reception committee to arrange a welcome for some distinguished visitor, a district Olympic association, a new social or sports club, or even a tennis tournament. In places where tourists congregate, he may be asked to act as *cicerone* to an important visitor, though he can sometimes—if the visitor is not *too* important—delegate that duty to one of his assistants. And when government has evolved some scheme for benefiting the people, he will be requested first to advise upon it, and in due course, to put it in operation. In times of stress, the burden of his responsibilities becomes well-nigh intolerable. And there have been many times of stress during the last thirty-five years—annual epidemics of plague: four earthquakes in different parts of India: the violent agitation that followed the partition of Bengal: the severe famine of 1907-08, which was followed by an outbreak of malaria which cost the country many lives: the Great War: the epidemic of influenza in the year 1918¹: the non-co-operation movement; open rebellion in the Punjab and Malabar: constant communal riots: terrorist outrages in Bengal and elsewhere: the campaign to induce cultivators to refuse the payment of rent: civil disobedience: the floods of 1924: and the economic calamities

¹It affected other countries too: the Indian death-roll was estimated at twelve to thirteen millions.

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of the last few years. Whatever the trouble may be, the district officer must see to it. In the old Roman formula, he must take care that the state suffer no harm. He must prevent the trouble, if he can: if he cannot, then he must alleviate it, or quell it, or pacify it. He may divide the work, but he cannot divide the responsibility. That is his.

The district officer, in addition to his other duties, is also, *ex officio*, deputy opium agent and registrar of Christian marriages. The first duty gives him little or no work—though I remember on one occasion being requested by the opium agent to tell the assistant opium agent stationed in my district exactly what the opium agent thought of him. As registrar, the district officer may be called upon at any time to tie a nuptial knot, and occasionally finds the process interesting. A brother civilian once told me how on such an occasion the parties arrived at the house, where the ceremony was to be held, in full bridal array, with bouquets, best man, a posse of bridesmaids, and the usual impedimenta of a wedding. He kept them waiting whilst, to live up to such splendour, he changed his shooting coat for the frock-coat of ceremony, and his wife adorned his office with such white flowers as she could collect at a moment's notice. But so much magnificence is exceptional.

Like a subdivisional officer, the district officer will spend some part of his mornings in outdoor inspections and interviews: but the former are more varied, the latter are longer, more numerous and more important. He, too, must go to court, but his hours are relatively short: the volume of his *peshi* and his *sawalkhana* may be greater, but he has much less case work. Either before or after court, he must deal with his correspondence in the seclusion of his own study: and there are meetings and functions which he must attend, and they cut into his time. Various changes, resulting from modern progress, have both increased his

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work, and modified his methods of doing it. In many cases where he would formerly have acted on his own initiative, he must ask for orders, since the telegraph and telephone have enabled him to obtain them. The multiplication of codes and manuals, with their many correction slips, have fettered his discretion. I knew a head clerk once, who simplified administration by throwing all correction slips on the top of a tall cupboard, and nobody was a penny the worse. Again, the formation of technical departments has added to his mail: for whilst in former days he made or mended his own roads, drains, culverts and buildings, he must now consult this department or that, obtain plans and estimates, together with technical, administrative and financial sanctions, before he can cut a sod or engage a coolie. Government evolves more schemes of improvement, on which he must express opinions: members of the legislature ask more questions and move more resolutions, to which he must supply answers or refutations. If all means more work in office and less in camp, which is all to the bad, since it is chiefly in camp that he gets to know the people, and is able to gauge and test the work of his subordinates. It is there that the local magnates will pay him ceremonial visits, and that he meets village elders, who chat with him about the crops, the price of grain, the revenue assessments, the iniquities of the village moneylender or the village *badmash* (bad character), the need for a new drinking well, and their other local difficulties and needs. In camp, he sees with his own eyes, hears with his own ears, and smells with his own nose, and thereby gains much useful information. A chance remark dropped in casual conversation may lead to great results. A district officer once, having asked a military pensioner whether all was well with that neighbourhood, was told to his surprise that all was ill with it. 'You think that this is your *raj* (dominion): but it is Bhikari's.' This remark led to the

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rounding up of a gang of local bullies under the leadership of this Bhikari, which terrorized the whole countryside.

It is possible, by a description of a district officer's duties, to convey to an English reader some idea of what he does. But it is much more difficult to convey an idea of what he is, and of what he means to the people. Consider a few facts and figures. There are only some 250 district officers in British India. Each is in charge of an area which averages 4,500 square miles: the average area of an English county is about 1,000 square miles. Each is responsible for the collection and custody of hundreds of thousands of rupees of public money. Each is responsible for the welfare of a population averaging about a million. And this population is by no means homogeneous. It includes primitive jungle-dwellers and highly-civilized townsmen: fierce warrior tribes and peaceful cultivators: rich territorial magnates and poverty-stricken tenant-farmers: ignorant and unlettered rustics and well-educated and sophisticated politicians. It has many beliefs, speaks many languages, and observes many strange customs. An officer who has to deal with so great a variety of human types must be endowed with no small variety of human virtues, of which sympathy, candour, disinterestedness and right judgment are perhaps the most important, especially when they are reinforced by a sense of humour and an ability to suffer fools gladly. But the sum of the matter is contained in the old Latin line, *homo sum; humani nihil a me alienum puto*. The district officer is a man, and must regard all humanity as his kin.)

The mental powers of an Indian peasant are not sufficiently developed to enable him to think in abstract terms. Such concepts as activity, force, power, energy, are to him meaningless, except as attributes of a personal being, divine or human, who consciously uses them. Thus Brahman metaphysicians, having arrived by dint of thinking at the

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idea of an all-pervading divine energy which they called *brahmā*, in the neuter, were forced, for the comprehension of their followers, to turn it into a personal god whom they called *Brahmā*, in the masculine; the philosopher must call the Absolute, god, because his disciples cannot think what the devil else it can be.¹ It is this habit of mind which explains the peasant's conception of government. To him an abstract authority, operating in Delhi, or in Whitehall, or *in vacuo*, means nothing. He clothes government in a man's shape—that of the collector sahib, who tried his family lawsuit last year, who only yesterday was discussing with him the condition of his wheatfield, and who this very morning cursed him roundly because there was a cesspool outside his door. In short, the district officer, to the people of his district, is not merely the representative of government: he is Government personified, and is often addressed as *Sārkar*, its vernacular equivalent. 'The great mass of the people desire personal rule,' wrote the Simon commission in their report, and might have added that they understand no other rule. And for many years to come, by whatever constitution India may be ruled, no government will be able to do without the district officer.

Since 1920, when the Montagu-Chelmsford reforms came into force, the district officer has suffered many troubles of his own. He has had additional work to do, in providing government with material to answer questions and resolutions, in preparing electoral rolls and managing elections. He has had to watch amateur administrators gradually pulling down the structure of local self-government which he and his predecessors, ever since Lord Ripon's time, had so carefully erected: and he has had to prevent, as well as he could with diminished authority, the breakdown of a constitution which, as he saw it, sacrificed

¹This phrase, if I remember right, comes from Bradley's *Appearance and Reality*, slightly adapted.

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everything, including the welfare of the people for which he was still responsible, to political expediency. It is not strange that many lost heart, and some lost all hope, and retired prematurely. And yet, it was the 'highly efficient administrative machine', of which the district officers form so important a part, that saved the constitution from being a failure. A senior civilian, when asked in 1919 what he thought of the chances of success of that constitution, replied that he was not afraid of it, 'because the service has never yet been beaten by an administrative problem'. In 1937, it still remains unbeaten.

The district officer is often called 'the backbone of the administration'. There is a touch of irony about the compliment, for nobody troubles much about his backbone till he damages it. But the people of his district give him another name—'*hamāra collector sahib*'. *Our collector*. He seldom gets any other title; but that title is good enough.

3. Divisional Administration

In Madras, no authority intervenes between the district officer and government itself. Elsewhere, there is a divisional commissioner, who is in charge of a group of districts. At the beginning of the 19th century, he was known as commissioner of revenue and circuit, and had a criminal as well as a revenue jurisdiction. But in 1891, his criminal work was handed over to the district judge, and he is now an appellate authority in certain revenue cases.

He is also closely concerned with court of wards administration and the local bodies; whilst he acts as guide, philosopher and friend to his district officers, and is constantly called in to advise government. The politicians regard him as useless, as they do officers of similar position in other departments, the deputy inspectors-general of police

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and the superintending engineers in the department of public works. They describe him as a mere post-office, or as a fifth wheel in the coach. But no mail bag passes through him without his adding to its contents: whilst in modern conditions few motor-cars can do without a spare wheel. One thing is certain, that neither government nor his district officers could do without him.

CHAPTER VII

The Settlement of the Land Revenue

India has always been an agricultural country, and its peasantry have always been of particular importance in the body politic; for instance, according to the Greek Megasthenes,¹ who wrote about 300 B.C., they were exempt from military service. They made up the great majority of the king's subjects, and the share of their produce which they paid him was the greatest part of the royal income. This 'king's share' is the origin of the present land revenue system. From prehistoric times, it has been regularly received by Dravidian, Hindu, Muslim and British rulers, each in his turn. For land revenue is not a new thing: it is one of the oldest institutions in India.

It is difficult to describe the land revenue system in terms intelligible to an English reader. The Englishman is essentially a townsman; he lives in a town or its suburbs, and he finds in it his interests, his means of livelihood, and his amusements. To him, the country is little more than a place where he can get an occasional breath of fresh air, or spend an occasional holiday. Moreover, by far the greater part of England's wealth is derived from urban industries; the land provides only a very small part of the public income. But if he is to understand Indian land revenue, he

¹Ambassador of Seleucus Nicator to the court of Chandragupta Maurya; he left an account of India which now exists only in fragments, mostly *apud* Arrian and Strabo.

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must forget all this. He must think himself into a country, where there are few towns, mostly small, and mostly centres of distribution rather than of production; where the bulk of the population depends, directly or indirectly, on agriculture; and where the land provides a very large part of the income of the state. He will find no parallel in England to India's land tenures, or to her land problems: and the technical jargon will be strange to him. Worse still, he will find familiar English words used in different meanings. The word village, for instance, will not mean an 'assemblage of houses, smaller than a town and larger than a hamlet'. It will mean a definite area of culturable land, in which there may be one inhabited site, or several, or none.

Land revenue administration, however, has always been one of the primary duties of the civil servant; and it becomes necessary to give some description of the land revenue system. But this description will be simplified, if it be preceded by an account of certain principles which form its basis; and by a definition of two important terms—assessment and settlement.

(1) From time immemorial, it has always been accepted that the king has a right to claim a share of the gross produce of the land. It is the payment which the cultivator makes to the king in return for the protection which the latter affords him.

(2) It is accepted, both by Hindu and Muhammadan lawgivers, that the man who first clears and cultivates waste land has a right to own it.

(3) It is similarly accepted that the king has a right to dispose of all waste lands within his dominions. At first sight, this principle may seem contradictory of the second; but the practical solution of the difficulty is to be found in the first. So long as waste land is available, a king eager to increase his revenue will welcome extension of cultivation.

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It may be added that the British government also has accepted this principle, and has often acted on it.

(4) The Hindu law of inheritance depends on its joint family system, with its principle of succession by survivorship. An example will make this matter sufficiently clear. A, owner of an estate, has two sons, B and C. At A's death, B and C will succeed, not each separately to a half of the estate, but jointly to the whole of it. Then B dies, leaving two sons, D and E; they will succeed to B and become co-sharers with C in the whole estate. C, D and E then decide to divide the estate and separate; C will then receive one half, D and E will receive one quarter each, of the estate, and become potential founders of three new joint families. Or D and E may wish, whilst separating from C, to remain joint with each other: there will then be two new estates, each consisting of a half of the old one, and owned respectively by C and by D and E as co-sharers. Before a partition of this kind has taken place, the share of each joint-owner, though ascertainable at any given time, is liable to variation either on the death of an existing co-sharer or the birth of a new one; for instance, if C had died childless, when he was still joint with D and E, then the shares of the latter would have become one-half instead of one-quarter each: or if a third son F had been posthumously born to B, then the shares of D and E would have become one-sixth before the death of C, and one-third after it, the remainder in each case going to F.

(5) By the Muhammadan law of inheritance, the share of every heir is fixed as a fraction of the estate: and in theory, a death would inevitably lead to partition. But this would ultimately lead to the subdivision of the estate into fragments so small that they would not be worth keeping; and to avoid this, the Muhammadan family, in practice, often remains 'joint', as if it were Hindu, especially when, as is often the case in India, the Muhammadan family is

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descended from some Hindu convert to Islam. The only difference in such a case, is that the share of each joint-owner is fixed from the beginning, and will only be varied on the death of another joint-owner, if the first happens to be one of the legal heirs of the second.

(6) *Assessment* is the process of calculating the land revenue payable in respect of a particular area (holding or village): *settlement* is the process of agreeing with a particular person or body of persons, that he is singly or they are jointly responsible for paying the land revenue assessed on a particular area. But 'settlement' is also used as a general name for *all* the processes necessary to the assessment of land revenue—soil classification, fixation of standard rates, assessment proper, and settlement proper.

For land revenue purposes, the administrative unit is the village (*mauza*), of which there are two principle types—the *ryotwari* and the *zamindari*, already briefly described.¹ The former is of ancient origin, dating back to a time when a body of primitive clansmen set forth to clear a patch of jungle, build a village, and settle down to cultivate the surrounding land. Under the principle of the squatter's right, each man owned the area which he had cleared and cultivated, and held it in severalty, he and his heirs after him, paying a share of his grain to the king. Severalty of tenure, severalty of land revenue and assessment, and severalty of settlement, are still the distinctive features of a *ryotwari* village.

The *zamindari* village is of later growth. It involves the intervention, between king and cultivator, of a landlord (*zamindar*) who receives a share of the produce as rent from the cultivator and passes on a share of the produce as land revenue to the king. Landlords are of various origins. They may be descended from some Aryan conqueror, who seized the village after slaying or enslaving its inhabitants.

¹See page 93.

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Or the ancestor may have been some courtier or adviser or military leader, to whom the king had made a grant of waste land: or, at a later date, a Mogul official or tax-farmer, who, taking advantage of the weakness of the superior authority, ousted the cultivators and took possession of their lands: or at a still later date, he may have been merely the local headman, on whom government conferred a proprietary title, as in the Central Provinces. But whatever his origin, his position is always the same: he has the right to receive rent from the cultivator, and is responsible for paying revenue to the state. And since, in the nature of things, there is rarely but a single owner, the body of joint-owners are jointly responsible for the land-revenue; in fact, the *zamindari* village is often called a 'joint' village, as distinguished from a *ryotwari*, or 'severalty' village.

Be it added that, for historical reasons which need not be mentioned, the *ryotwari* village is the type most prevalent in southern India, and the *zamindari* village in northern India.

According to the Hindu lawbooks, the king's share of the gross produce was one-sixth, though it might rise to one-third in emergencies; but in later times, it was often nearer one-half. The share was collected at the threshing-floor under the supervision of the village headman, assisted by the village accountant, who kept the records. In the Muhammadan period, the share of the king varied from one-third to one-half, which was collected by revenue officials, sometimes by actual subdivision of the produce (*batai*), sometimes by appraisement of the yield of particular fields (*kankūt*): an expert would estimate the probable weight of grain that the field would bear, and the king's share would be based on that estimate, whether the field in fact produced more or less.

Akbar and his Hindu minister Todar Mal were the first

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to make any scientific assessment of the land revenue. They commenced in 1571 by a survey, which was followed by a classification of the soil according to its value. The first class was land continuously cultivated: the second was land that required a periodical fallow in the course of rotation: the third was poor land, that could only be occasionally cultivated: the fourth was waste, or land that had lain fallow for five years or more. The first three classes were again subdivided into three subclasses, according to their quality. The average produce of each kind of land was ascertained by actual experiment: the produce of a *bigha* (a measure of area equal to five-eighths of an acre), of each subclass was measured, the average yield of one *bigha* of the main class was assumed to be one-third of the total yield of these three *bighas*, and the king's share was taken at one-third of this average yield. This process was, of course, carried out separately for each kind of grain, and was apparently annual. The money value of the king's share for any year was taken for each grain at its average price during the ten preceding years, and accordingly was liable to yearly variation. Minor adjustments were also made for special crops or land lying fallow, which need not be mentioned. Finally, the cultivator was allowed to pay in cash or kind at his option. This method of assessment was obviously cumbrous, and likely to be evaded under a weak administration; but it is of special interest, because two of its principal features, the survey and the soil-classification, are still used in modern settlement operations.

A person of much importance in Akbar's land revenue system was the *kanungo* of the district (*pargana*).¹ His duty was to maintain a number of revenue records and registers,

¹The term is still used for a subdivision of a *tahsil*, and survives in the phrase *hakim pargana*, the vernacular for subdivisional officer. *Hakim* means literally 'he who gives orders'.

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containing such information as the progress of cultivation, the nature and prices of the crops, the methods of assessment and its rates, the boundaries of villages, and the appointments of tax-farmers. It was he who saw that the king received his dues, that the cultivator was not oppressed, and that the assessment was just and equitable. Thus all knowledge regarding revenue matters was in his possession, and his power was enormous, all the more so that his office was hereditary.

Akbar's revenue system was continued without material change by his three successors. But after Aurangzeb's death in 1707, the Mogul administration fell into hopeless confusion, in revenue as well as in other matters. Akbar had first settled the revenue with each cultivator separately, and subsequently with each village collectively, leaving its leaders to apportion the burden amongst individuals. But Aurangzeb's successors—partly to placate Hindu rajas who might otherwise have broken into open rebellion, partly to save themselves the trouble and expense of maintaining local control—adopted the practice of farming out villages, or groups of villages, or whole districts, to anybody who would agree to pay a sufficient sum of revenue. Hindu chiefs, courtiers, officials, private speculators, became revenue contractors: and though their duty was to collect no more than the sums assessed on the areas under their charge, of which they retained one-tenth as their commission, they, in fact, squeezed out of the cultivators as much as they could and paid to government as little as they could. Moreover, there was a tendency, which quickly became a custom, for the revenue-farmer's son to succeed to his father's position.

Thus, when the Company took over the *diwani* of Bengal in 1765, it found the revenue administration in ruins. The revenue-farmers (who in Bengal were called *zamindars*) were rapacious, and having acquired or usurped extensive

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criminal powers, were able to oppress cultivators as they pleased. The cultivator was flogged if he had sown an insufficient area; he was flogged if he was late in paying his dues; and he was flogged if he complained to any higher authority of having been flogged. And the *kanungos* were in collusion with the *zamindars* to defraud the government.

It would be wearisome to relate at length all the attempts which the Company made to build up a new revenue system on the ruins of the old. They began in 1769, when supervisors were appointed, with instructions to prepare a rent-roll on which an equitable assessment might be based. Had they been able to carry out their instructions, then the revenue history of Bengal would have read very differently; but they failed because the *kanungos* and the *zamindars*, who alone possessed the necessary information, resolutely refused to part with it. The next attempt was the quinquennial settlement of 1772, carried out by a committee of circuit, of which Warren Hastings himself was president. It proved a positive disaster, because the farms were put up to auction, and sold at figures impossibly high; and 'the proceedings of the board of revenue from 1773 to 1776 record a monotonous list of large deficits, defaulting *zamindars*, absconding farmers, and deserting ryots'.¹ From 1777 a series of annual settlements were made, by which the farms were leased to the *zamindars* on the best terms obtainable. Meantime, constant investigations were made by commissions, boards, committees and individual collectors; but though they put together a mass of general information, they were never able to obtain that detailed information which is essential to settlement operations, where every case must be considered and treated on its merits. At last, orders were received in 1786 from the directors to carry out a ten-years' settlement with the *zamindars*, who were to be recorded, not as revenue-farmers, but as

¹*Cambridge History of India*, V, page 419.

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landowners. This settlement was carried out in 1790, with an assessment which was based on the actual collections of recent years; and in 1793 it was declared to be permanent. It was wholly unscientific. The Company's officers were still ignorant of the rents actually paid by the cultivators to the *zamindars*, for the *kanungos* succeeded to the last in keeping that information to themselves. No attempt was made to survey the land, to ascertain the value of different soils, or to correlate either rent or revenue to that value. Though the settlement purported to secure fixity of tenure and rent to the cultivators, no record of their rights was prepared; the landlord was indeed ordered to grant leases (*pattas*) in which the rent should be clearly stated, but no authority was appointed to see that he did so. Though both the directors at home and the Company's servants in India had many times expressed in admirable terms¹ their intention of protecting the cultivator against the landlord, the permanent settlement entirely failed to carry that intention into effect.

An attempt was made in 1798 to introduce a permanent *zamindari* settlement, on the Bengal model, in Madras; but it was unsuitable to many tracts where no *zamindars* existed and had to be created; and in 1812, the directors ordered that the attempt should be abandoned. It was also decided originally to extend the Bengal system to those parts of the North-Western Provinces which were taken over between 1801 and 1803. But though the question was debated at intervals till 1883, when Lord Kimberley finally shelved it, and though the province was on several occasions during that period in serious danger of going the same way as Bengal, its various settlements have always been temporary: that is to say, all assessments have been made only for a fixed period of years, at the end of which they have been replaced by fresh assessments of the

¹e.g. in the instructions to the supervisors. See page 244.

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same kind. And outside the permanently settled tracts, all settlements in India are temporary. The nature of them, however, varies greatly in different parts of India. The government of India has never attempted to lay down a uniform system, and the British administrators who first took over a tract usually began by maintaining the methods of assessment which they found in existence, and modifying them in the light of subsequent experience, till they finally arrived at a system suitable to local conditions. The process was long drawn out: for instance, though the principles of the Madras system were laid down by Munro early in the 19th century, the present system was not fully worked out till 1855. But in truth the unfortunate results of the Bengal settlement, which, though originally designed to last a period of ten years, was rushed into permanence after three years, was sufficient warning against hasty decision. Thus the various systems of temporary settlement in India are of different origin, have developed independently on different lines, and employ different methods of assessment. But despite their diversity, they fall into two broad groups according to the nature of the villages to which they are applied, and the status of the person who pays the revenue. A *ryotwari* settlement is made in a *ryotwari* village with the occupant of a holding: a *zamindari* settlement is made in a *zamindari* village with a landlord, or body of landlords. And, despite their diversity, they are all alike in three respects. Firstly, the process of assessment is always preceded by the preparation of a survey map and record of rights. Secondly, a soil classification is always made. And thirdly, the assessment is no longer based on the gross produce, but on the net assets.

As already stated, no survey preceded the permanent settlement in Bengal, though in 1892, it was found necessary to carry out a survey in Bihar, and also to prepare a record of rights. In all other provinces, however, assess-

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ments are based on a field to field survey. In some places, the whole map has been prepared by the staff of the survey department, but in others, they have provided merely certain general data, and a local staff, consisting of the *patwari* and a number of trained assistants, have filled in the details. In some recent settlements in the United Provinces, photographic maps have been prepared by an aerial survey, a method which, though less costly, is said to be less satisfactory than the former method; whilst it is impossible to use it in the hills, where much of the area to be surveyed is nearer the vertical than the horizontal. There is usually a separate map for each village, showing all the field boundaries.

As soon as a map is ready, three records are prepared. There is, firstly, a field-book (*khasra*), which gives against each field, the name of the landlord who owns and the tenant who holds it, the class of the latter's tenure, the nature of the land, the sources of irrigation, and the crops that are standing on it. The second is a register of holdings (*khatauni*), in which are recorded against the names of each tenant the serial number of each field in his holding, its area and its annual rent. The third is a record of the proprietors (*khewat*), which contains the name of every proprietor, with the extent of his share in the property, and the amount of revenue which he must pay. It is in fact a fiscal record, by which government ascertains the persons under obligation to pay revenue, and the extent of that obligation. This may be a most complicated document if there are many proprietors, or if many persons hold the land by different rights. In addition to the proprietor, for instance, there may be an under-proprietor and a mortgagee; whilst in Oudh there are no less than five different kinds of proprietary right and twelve kinds of under-proprietary right. In such cases there is sometimes a separate *khewat* for the under-proprietors. All these records

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are regularly kept up to date by the *patwari*. Every year he goes systematically through his circle, amending the map according to the facts as he sees them on the ground. When the map, by constant wear and tear, becomes useless, he draws a new one. He also prepares annually a new *khasra*, a new *khatauni*, and, if necessary, a new *khewat*, too. He also keeps up certain subsidiary papers, for instance, the *jamabandi*, linked to the *khatauni*, a record of the amounts of rent actually paid and the balances due. There is also a cashbook (*siaha*), in which payments of cash rents are recorded *seriatim* as they are made. For grain rents there is another ledger, called the *bahikhata jinsi*, in which he records the value of the grain paid as rent. In short, the record of rights prepared at settlement is kept up to date by annual revision until a new settlement takes place. This record of rights is a most important document, for, by law, it is presumed to be correct until the contrary is proved.

There thus has been 'built up in India a very extensive and complete system of registration of title by public entry'. Where the transfer of proprietary right is important, the revenue record is supplemented by registration under the general registration law; but for most persons who own land in India the revenue record is the only evidence of their title.

There is no fixed method of soil-classification. It varies, not only from province to province, but from district to district. One classification, which was very commonly used in earlier settlements, depends on the relative distance from the village site. There were three classes called *goind*, *miyana*, and *palo*, of which the first was the nearest to the inhabited site, and the best. The theory underlying this classification was that the village site would naturally be located in the midst of the best land, which would further improve because it would receive most attention, and the

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greatest share of irrigation and manure. A subdivision of this kind, however, is suitable only where the soil of the village is of uniform nature. Where variations of soil exist, then a more complicated system of classification is required. The land will then be first divided into main classes, either according to the nature of the soil (for instance, loam and clay); or according to the nature of the cropping, for instance, into double cropped (*dofasli*) and single cropped (*ekfasli*). These main classes are then subdivided according to their relative quality, on such general considerations as distance from the village site, means of irrigation, and absence of trees. In such a classification as this, the number of subclasses may be very numerous. I remember one, applied to a district of some 1,700 square miles, which had in all twenty-four subclasses, as against the ten with which Akbar, whose soil-classification to some extent resembled this, was content. A third basis of classification would be into wet land that can be irrigated, or dry land that cannot, but this would usually be combined with some other method. It is accordingly impossible to state any definite principles of soil-classification. The method adopted depends entirely on local conditions, and is always carefully thought out before work begins.

The basis of assessment is now no longer the gross produce, as it had been for centuries, but the net assets; and the chief difference between the various methods of assessment in India depends firstly, on the meaning given to that term, and secondly, on the means adopted to ascertain the net assets. In northern India, the net assets are usually taken to mean the rent, whether real or hypothetical (by which latter term is meant that portion of the gross produce which would be taken by the landlord if the land were actually rented). In Madras and Lower Burma, on the other hand, where the settlement is *ryotwari*, the term is taken to mean the difference between the value of

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the gross produce and the cost of production and marketing. 'It is in the correct ascertainment of this net production (or these net assets) that the crucial feature of the assessment . . . consists.'¹

The following are instances of the different methods of valuing the net assets. In the United Provinces, the first step is to assign to each soil a value, which is obtained by consideration of the relevant data, for instance, the rents actually recorded as paid for each class of soil; crop cutting experiments, which consist in measuring out exactly a given area, and ascertaining the yield of that area; a comparison of the value of the crops actually grown in each soil; and also general inquiries from the cultivators themselves. The second step is to arrange the villages in circles, which are homogeneous in respect of such characteristics as climate, communications, and agricultural conditions. The recorded rent-rolls of the villages in a circle are then examined, and all fraudulent, inadequate, excessive and other abnormal rents are excluded. The incidence of the remaining rents is then calculated for each class of soil, and a set of standard rates for the circle is worked out. These 'circle-rates' are then compared for each village with the recorded rent-roll; in other words, the rent-roll as it is, is compared with the rent-roll as it ought to be. If, after making allowance for any local peculiarities, the two approximate, then the recorded rent-roll will be accepted as the basis of assessment. If the two diverge greatly without any ascertainable justification, then the assessment is based on the valuation at circle rates. To the rent-roll or rental valuation, is added a valuation at circle rates of unrented lands, which usually consist of the landlord's own holding, from which a deduction, usually 25 per cent., is made to allow for the landlord's cost, of production. To the total of these two figures are added any other

¹*Imperial Gazetteer, Indian Empire, IV, page 217.*

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assessable items, in the nature of manorial dues, and the total forms the net assets of the village.

In the Punjab not more than half the total cultivated area is leased to tenants, and cash rents are uncommon. It is therefore necessary to calculate the assets in a different way. The area is divided into circles as before, and the cultivation in each circle is classified according to the soil. The area of crops grown in each soil-class is ascertained, and estimates both of the average outturn and the average value are made, in the latter case on a basis of average prices. This figure represents the value of the gross produce. From this certain customary payments such as are made to menials and artisans are deducted, together with the value of any fodder crops. Then the fraction which represents the share of produce taken as rent (a half, a third, or whatever it may be), is applied to the remainder, and the result forms the net assets. It will be noted that the method of calculating the gross outturn is in some respects similar to that adopted by Akbar.

In Madras, a *ryotwari* province, the soils are as usual classified in groups, and a grain value is calculated for each class, representing the normal gross produce per acre of the chief food grains. The value of the gross produce is then calculated, by applying a rate which represents approximately the average prices of the preceding twenty years. From this, various deductions are made for merchant's profits, for distance from markets, or for climatic conditions and from this reduced amount, the estimated cost of cultivation is subtracted, which includes the cost of cattle, implements, seed, labour, transport and manure. The balance forms the net assets, on which the assessment is based.

Before an assessment is made, however, a further deduction must be made from the net assets wherever the landlord has carried out any improvements such as re-

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clamation of waste land, or the construction of wells, or other irrigation works; for it is an accepted principle that land improvements should be exempted from taxation, either permanently, as in Bombay and Madras, or temporarily, as in *zamindari* provinces. In the Punjab, for instance, the term of exemption varies with the nature of the work, being twenty years for masonry wells, five years for canal distributaries, and ten years for other irrigation works. In the United and Central Provinces, on the other hand, the exemption lasts till the end of the term of settlement next following the construction of the work, a period of not less than thirty years, and possibly as long as sixty years.¹

Again, the assets are sometimes further reduced, by basing the circle rates not on the recorded rent-roll as it stands at the time of settlement, but on an older rent-roll. In the United Provinces, for instance, these rates are based on rents which are at least twenty years old. The result, of course, is that many recorded rentals, though they are actually paid, are rejected for purposes of assessment on the ground that they are excessive, and the revenue is proportionately diminished.

Finally, the pitch of the assessment itself has been greatly reduced. In 1793, the government of Bengal declared that the previous practice was to take ten-elevenths of the net assets; and in the North-Western Provinces, the percentage taken in 1812 was actually ninety. This percentage, however, has gradually been lowered; for instance, in the North-Western Provinces, it was only 66⅔ per cent. in 1849, and in 1855 it became a half. Subsequently, in various settlements that were made during the war-period in the United Provinces, the average percentage fell

¹As the period of settlement has now been increased by law in the United Provinces, the minimum and maximum periods would now be forty and eighty years respectively.

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to forty-five or rather less. At the present time, under the Land Revenue Amendment Act of 1929, the percentage may only be raised above forty to avoid reduction of the existing revenue, and in certain circumstances may fall as low as thirty; whilst the period of settlement, which is thirty years in most parts of India, has been extended in the United Provinces to forty.

As far back as 1878 it was calculated that the revenue of various provinces ranged from about 4 to 8 per cent. of the gross produce. If this be compared with the 50 per cent. which used to be taken by Muslim rulers, or even with the $33\frac{1}{3}$ per cent. of Akbar, it is obvious that the present burden of the revenue payer is infinitely lower than it ever was before.

Before a settlement is undertaken, a forecast of its probable effects is always prepared by the land records department. It is on this basis that government decides whether to make a fresh settlement or renew the old, and also lays down the broad lines on which the settlement is to be made. In the United Provinces, under the existing law of 1929, the legislative council must be given an opportunity of discussing these forecasts.

Once government has decided to make a fresh settlement, the first step is to undertake 'record operations', i.e. to prepare the survey map and record of rights as already described, and to secure the attestation, by the persons concerned, of every entry in that record. As a settlement officer must have these documents at his disposal when he begins the work of assessment, record operations are usually commenced at least a year before the settlement itself, and thereafter continue concurrently with it, but always one year ahead. In the first year they are usually carried out under the direction of the collector, as record officer; thereafter, the post is taken over by the settlement officer himself. The record officer has one or

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more assistants, who are usually members of the provincial civil service. When there is reason to fear that the existing record of rights no longer represents the truth, record operations are occasionally undertaken independently of settlement operations.

The settlement officer is usually a civilian of the status of a collector, but occasionally a member of the provincial service who has settlement experience. In the second year, he is given as assistant a junior member of the Indian or provincial civil service. An assistant settlement officer has probably more independence than any other officer of the same standing. He has, of course, to work on the lines laid down by the settlement officer, who will also pay him a visit of inspection whilst he is carrying out his soil classification, and finally pass his assessments: but for the rest, he carries out his own operations in his own tract, with his own staff, and in his own way. Settlement operations are usually under the superior supervision of a member of the board of revenue, if there be one who has had settlement experience; if there is not, then a special settlement commissioner is appointed, who, for all practical purposes does the work that would otherwise have been done by the member. His principal duties are to direct the settlement officer in such matters as the method of soil classification, the formation of circles, and the fixation of circle rates; to inspect the work in the field from time to time; and finally, to pass all the individual assessments.

When the settlement officer takes charge of his duties, he must begin by making himself acquainted with the district under his charge, and especially with its soils, its cultivating castes, and its land tenures. He will next lay down the lines of his soil-classification; and then, since it is physically impossible that he should do the whole of this work himself, he will teach to a body of men, called soil-classifiers (*chaktarashes*), the methods which he pro-

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poses to adopt. Meantime, he must gather together an office—which, however, is not difficult, since there are always available a number of clerks who, though nominally temporary, yet go from one settlement to another as occasion arises, and are rarely out of employment. He must then lay down the lines of his tour programme, which is no easy matter; for unlike the district official, who rarely departs from the beaten track along which there are fixed camping places, a settlement officer must visit every village in the district, and accordingly must often camp in places where no superior officer has been since the preceding settlement, some thirty years before. He must also settle exactly what villages he will inspect on each working day, so that he may allot the work of soil-classification amongst his *chaktarashes*.

✓ When his preparations are complete, the settlement officer will start on his tour, probably early in November. The details of his working day are as follows. Overnight, he will have examined the records of the old settlement, which contain for every village numerous statistics regarding soils, crops, rents and tenures, together with a note regarding the general condition of the village, the castes of its occupants, the quality of its cultivation, and so forth. He will also have examined another set of the same records, which have been prepared for his own settlement, and will have noted any peculiarities which the statistics disclose. For instance, he may find that, whereas in the year preceding settlement there is a large area of land cultivated by the landlord himself, in previous years there was little or none; and as landlord's cultivation is generally valued at 25 per cent. below circle rates, such a change will suggest to him an attempt to deceive him into undue leniency.

Next morning he will rise at an unpleasantly early hour, since he should be on the ground soon after dawn, and, if

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he is wise, will have a substantial early breakfast, since he will not get any more food till near midday. He will go forth armed with the new settlement record just mentioned, and a pocket-book in which to make notes. (I, personally, invented a form which fitted into a notebook cover, and on which I jotted down such facts and figures from the settlement record as I should require. This was more convenient than using the settlement record itself, which is a large sheet, double foolscap size, of four pages.) On arriving at the meeting place settled with the *chaktarash* the night before, the settlement officer will meet the *patwari*, the *chaktarash* himself, and a number of villagers. The *chaktarash* will hand him a map, on which he has demarcated the various classes of soils that he has found. He will next move across the cultivated area, checking the soil classification proposed by the *chaktarash* as he goes; and having asked any questions that he may consider necessary, and jotted down his notes, he will move on to the next village and repeat the same processes; and so on, to a third. About half past eleven he will be pleased to meet his breakfast, which one of his own servants will have brought out, and sit down to eat it at a camp table under a tree. After his breakfast he will proceed on his course, and, as he will be now in a more benevolent frame of mind than he was before breakfast, he will probably deal more leniently with the later villages than the earlier—unless, indeed, his breakfast has disagreed with him. He will ultimately arrive home about three o'clock in the afternoon, and sit down to a second and somewhat nondescript meal, a sort of high tea. His work, however, is not yet over. He must now write up the notes of his inspection, a task which is probably less troublesome than it used to be, for settlement officers, in these relatively luxurious days, possess stenographers. He must then attend to what little case work he may have, take his *sawalkhana*, and do his *peshti*. And when that is over

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he must look up his old and new settlement records for the next day's work. And the second day will be a repetition of the first; and the third of the second; and so on, *da capo*—except for Sundays and the Christmas holidays—till he finishes his tour about the end of the third week in March. Meantime, all his results in the shape of the new settlement record, his notes and his maps, will have been sent in to the office at headquarters. There they will be manipulated in various ways, and by various mathematical formulæ, which need no description. In due course they will be served up to him in a fresh set of forms, showing, for instance, the area of each soil class which is held by occupancy tenants of over twenty years and of over twelve years respectively, by non-occupancy and by statutory tenants. From these he will exclude all rents which, in his judgment, are fraudulent, inadequate, excessive, or privileged, and in the manner already described, will decide first on his circles, and then on his circle rates. These he must then submit for orders to the board, or the settlement commissioner. Once the rent rates are settled, he will commence the work of assessment proper. In each case he must first decide whether he will accept the recorded rent-roll, or the valuation at circle rates, or some modification of the latter. He must value the land which is not rented; he must make any necessary deductions, and add any additional income (*sayar*) in the shape of manorial or other dues. Having thus arrived at the net assets, he will decide what assessment to impose. He will incorporate his decisions, with reasons annexed, in the descriptive note of the village which he had already written in the previous cold weather, and thus complete his settlement note on the village. In due course, all the settlement records described will be bound up in convenient volumes, and be sent to the board or the settlement commissioner for orders. And during the hot weather he will be allowed to go to the hills

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for six weeks, and take his assessment work with him, to do it there in coolness and comfort.

And the next year will be like the first, except that he will have to train his assistant at the beginning of the cold weather before sending him on tour, to inspect his work towards the end of it, and to check his assessments at the end of the year. And the third year will be like the second; and then will follow another cold weather of comparative peace, during which he will write his settlement report. That report will, in due course, be laid before the legislative council, who will discuss it, and probably suggest all sorts of minor alterations in it—which alterations will be proposed either by landlord members who are themselves interested in his results, or by other members acting on their behalf.

During the hot weather or rains, he will also have to try cases of enhancement of rent; for wherever the recorded rent is less than the valuation at circle rates, the landlord has a right to demand enhancement up to the latter. But most of these cases either go by default or are not seriously contested.

The post of settlement officer is perhaps the most pleasant that a civilian can hold. He has important responsibilities, but they are all of one kind, and that kind not one which is likely to make him suffer from insomnia. He has one day free every week, during which he can take a complete rest, or enjoy his other pursuits, according to the season of year. In this he is more fortunate than the district officer, to whom a Sunday or holiday is, as a rule, merely a day on which he can work off his arrears. Most of his work is done in the open, and that at the most pleasant part of the year; whilst in the worst part of the year he can escape from the heat of the plains for six weeks to the hills. Meantime, if he keeps his eyes open, he will be acquiring a lot of valuable, and sometimes curious, information about the people and their customs. On one occasion, when I was a settlement officer, I was asked to shoot a demon for a cul-

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tivator. He had one precious grandson, about a fortnight old. The child had fallen ill of some pulmonary disease. He informed me that this was undoubtedly caused by a demon named Jamhua. He had tried various methods of exorcising the demon. He had in the first place burnt hide, hoofs and other evil smelling objects in the mother's room; for evil smells are potent to drive away demons. As this merely made the child worse (which is scarcely surprising), he had caught a wild duck in a net, held it by the legs over the cradle, and induced it to flap its wings, so that its down fell on the child. This made the child worse still—which again was not surprising. Thirdly, he had tied a rope round the waist of a wild monkey, and infuriated it until it rushed at the child, to be held back by the rope. This, of course, had nearly scared the child out of his wits. He then asked a friend what further method of exorcism could be tried; and the friend reminded him that the best method of scaring a demon was to shoot it, and that there was a sahib in camp close by, who doubtless possessed a gun, and might be induced to lend it. He accordingly begged me to go and shoot the demon. As it meant three miles across country in the dark, and I had a sprained ankle, I refused to attempt the feat myself, but sent a Brahman orderly—who by virtue of his Brahmanhood, was infinitely superior to myself as a shooter of demons—with my shotgun, a couple of cartridges, and orders to let them off outside the house, but as far away from the child as possible. Meantime, my wife and I taxed our brains to discover what *real* remedy there might be, which would also have the effect of scaring his demon. My wife looked up a medical book, whilst I looked up a book of folklore. In the end, we advised the man to rub the child's chest with warm mustard oil—because mustard oil, being yellow, has the property of scaring demons. The demon, I am glad to say, ultimately disappeared; and the child, in spite of its many experiences, recovered.

CHAPTER VIII

Judicial Administration

A sufficient description has already been given in previous chapters of the development of the judicial system in its early stages, and it is possible to begin the present account with the Indian High Courts Act of 1861.

At this period there were in existence three supreme courts, which derived their authority from the Crown; and a whole series of courts, headed by the *sadr adalats* of the various provinces, which had been established by the Company under the terms of their various charters. There was, in other words, duplicate jurisdiction, which had in the past caused no little trouble, and still made the judicial system unnecessarily complicated.

The jurisdiction of the supreme court was strictly limited. That of the Calcutta court, for instance, extended over all persons living in Calcutta proper—some 400,000 in number at that time—and over all British subjects and descendants of British subjects, who were resident in the Bengal presidency or in the North-Western Provinces; whilst Indians were allowed to bind themselves by written contract to accept its jurisdiction where the cost of action exceeded 500 rupees. The supreme courts of Madras and Bombay, which were established in 1801 and 1823 respectively to replace the former recorder's courts which had existed since 1797, had a similar jurisdiction.

The law administered by the supreme courts was composed of various elements. There was firstly, English com-

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mon and statute law as they existed in 1726, in so far as they had not been subsequently modified by legislation. There were the English statutes which had been expressly applied to India, or had been adopted for Indian purposes by local legislation. There was the English civil law in respect of ecclesiastical and admiralty jurisdiction. There were the regulations made by the governor-general in council before 1833, provided that these had been duly registered in the court, and all acts made in accordance with the Charter Act of 1833. And finally, there was the Hindu and Muhammadan law in respect of inheritance and succession, and also in respect of contracts where a Hindu or Muhammadan was defendant. It was often difficult to ascertain what law was applicable—as, for instance, in the famous case of Nuncomar, for one of the grounds on which Sir Elijah Impey was impeached was that he had convicted Nuncomar under an English act of 1729, which did not apply to India. Only in Bombay had anything been done to reduce the confusion; for in 1827 a local code had been made to supersede Muhammadan criminal law. And in the Company's courts the confusion was as serious as in the supreme courts, for though they did not apply English common and statute law, they were bound, as a supreme court was not, by government orders and the rulings of appellate courts.

As regards other parts of the country, the system in the North-Western Provinces was similar to that in Bengal. In Sind, judicial control was exercised by the commissioner, whilst collectors presided over both civil and criminal administration of justice, in addition to their magisterial powers. And all other provinces at that time were non-regulation; judicial authority vested in the deputy commissioner, with an appeal to the commissioner.

Finally, there was little supervision by the privy council. Subject to certain limitations on the money valuation of a

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suit, appeals to it were possible from decisions, both of the supreme courts and the *sadr adalats*; but few appeals were made. It was not till 1833 that a judicial committee of the council, including members with overseas experience, was constituted as a court of appeal.

The Indian High Courts Act of 1861 put an end to this duplicate jurisdiction by establishing high courts to replace the supreme courts and the *sadr adalats*. Under this act a high court was to consist of a chief justice and not more than fifteen puisne judges, of whom one-third, including the chief justice, were to be barristers, and one-third civilians. The remainder might be chosen either from within or without these classes. In 1911 another High Courts Act was passed, which raised the maximum number of judges from fifteen to twenty, and gave power to establish high courts in any part of India as need arose. The governor-general in council was also given power to create where necessary, temporary additional judgeships for a period of not more than two years. The judges must be either barristers of England or Ireland, or advocates of Scotland of not less than five years' standing; pleaders of an Indian high court of not less than ten years' standing; Indian civilians of not less than ten years' service, or provincial judicial officers, of a grade not lower than that of a subordinate judge and of not less than five years' service. As before, at least one-third of the total number must be barristers or advocates, and one-third must be civilians. Every judge held office during His Majesty's pleasure.

High courts were established under the Act of 1861 at Calcutta, Madras and Bombay in 1862, and at Allahabad in 1866, with jurisdiction over the North-Western Provinces, now the Agra portion of the United Provinces. From time to time, other courts with comparable authority were established elsewhere. Between 1861 and 1868, the Punjab received a chief court, and the Central Pro-

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vinces, Oudh and Sind received judicial commissioners. In 1890, a judicial commissionership was constituted in Upper Burma, in 1900, a chief court in Lower Burma, and in 1901, a judicial commissionership in the North-West Frontier Province. In 1912, on the creation of the province of Bihar and Orissa, a high court was established at Patna. In 1919, the chief court of the Punjab was raised to the status of a high court. In 1922, the two judicial authorities in Burma were amalgamated to form a new high court at Rangoon. In 1923, Oudh was given a chief court, and in 1935, the Central Provinces were given a high court.

The organization of criminal justice is as follows. At the head of it stands the high court, chief court, or judicial commissioner, as the case may be. In the presidencies the high courts try criminal cases committed to them by the presidency magistrates. They also have admiralty jurisdiction in respect of offences committed on the high seas. In other places the high courts, chief courts and judicial commissioners, even though they may have original jurisdiction, rarely exercise it. As appellate courts they all try appeals from the decisions of sessions judges, or from judgments passed on their own original side. They have also the power to try criminal cases in revision.

Below the high court is the sessions judge, whose jurisdiction is usually, but not always, coextensive with the district. They have power to try all criminal cases committed to them by the magistrates within their jurisdiction, and to inflict any punishment authorized by law, though a sentence of death requires the confirmation of the highest court of criminal appeal. The sessions judge also tries appeals against the decisions of first-class magistrates within his jurisdiction. The local government has power when necessary to appoint additional or assistant sessions judges.

Below the sessions judge is the magisterial staff of the district. Magistrates are of three grades: a third-class magis-

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trate may pass a sentence of one month's imprisonment and fifty rupees fine, a second-class magistrate, one of six months' imprisonment and 200 rupees fine, and a first-class magistrate, one of two years' imprisonment and 1,000 rupees fine. Most of these officers are stipendiary, being members of the Indian, provincial, or subordinate civil services; but there are also a number of honorary magistrates, who usually sit as a bench, but occasionally singly, especially in the rural areas. In the presidency towns of Calcutta, Bombay and Madras, the presidency magistrates are often appointed from the bar. The appeals of second and third-class magistrates go to the district magistrate.

The principal authority in respect of civil as of criminal justice is the high court or equivalent court. In the presidencies the high courts have original civil jurisdiction in cases of a money value exceeding 2,000 rupees, but not, except in rare cases, elsewhere. Their civil work is almost entirely appellate.

There are usually three classes of civil courts subordinate to the high court, namely, the district judge, the subordinate judge and the *munsif*. The post of district judge is usually combined with that of sessions judge. The district judge's court chief is the civil court within the area of his jurisdiction; he has power to try all original suits, and to distribute business amongst the other civil courts subordinate to him, of which he is also in administrative control. The subordinate judge possesses the same powers in respect of original civil suits as a district judge. A *munsif's* powers are usually limited to suits not exceeding 1,000 rupees. In Bombay, however, the *munsif* is called a second-class subordinate judge, and has power to try suits of which the value does not exceed 5,000 rupees. There are also a certain number of special small cause courts, with power to try summarily, and subject to a limited right of appeal, simple money suits not exceeding 500 rupees; whilst in places where such

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courts do not exist a provincial government may give power to selected subordinate judges and *munsifs* to try, as small causes, suits valued up to 500 rupees in the former case, and up to 100 rupees in the latter. At Calcutta, Madras and Bombay, small cause courts have been established to take the place of the old courts of requests, and have power to dispose of money suits valued up to 2,000 rupees. In some parts of India, notably Madras and the United Provinces, it is possible to appoint village *munsifs* from amongst the leading inhabitants, who sit either singly or as a bench, to dispose of petty claims valued at not more than twenty rupees. There are also in some provinces honorary *munsifs*, who are often retired members of the judicial service.

An appeal from a *munsif* or a second-class subordinate judge in Bombay lies to the district judge. Appeals from subordinate judges also lie to the district judge in the case of suits valued at not more than 1,000 rupees. In other suits the appeal lies to the high court, as also do appeals from district judges.

High courts, chief courts and judicial commissioners, as the case may be, have administrative control over all courts, whether criminal or civil, from which appeals lie to them, and have power to call for proceedings, to order the transfer of suits, to make rules of procedure, to prescribe forms, and to fix fees.

The highest appellate court for India is the privy council, which hears final appeals in all important cases from all parts of the British Empire. An appeal lies from the decision of a high court, both in respect of its original and its appellate jurisdiction. In civil cases the money value of the suit must not be less than 10,000 rupees, whilst in criminal cases an appeal can only be made on a substantial question of law.

In original criminal cases tried by the high courts a jury is always empanelled: in sessions courts, however, a trial

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may be conducted either with the help of a jury or assessors. The decision of the majority of a jury is binding upon a judge, unless he regards it as perverse, when he may refer it to the high court, which has power to quash it. The decision of the assessors, on the other hand, is not binding: they merely give advice which the trying judge may or may not accept. The device of assessors has been adopted principally because it is not always possible to empanel a suitable jury outside the larger towns. In a high court the jury consists of nine persons, and in other courts of such uneven number as is prescribed by the local government.

The posts of subordinate judge and *munsif* are reserved for the provincial and subordinate judicial services respectively. But in the United Provinces, and possibly in other provinces, an Indian civilian on joining the judicial branch is usually made a sessions and subordinate judge, from which rank he proceeds to that of district and sessions judge.

European British subjects have certain privileges in the matter of criminal, though not of civil, justice. At one time, they could only be tried for criminal offences by a high court, which caused grave inconvenience to Indians who might have to travel hundreds of miles to prosecute. But in 1872 the rule was altered, and the power of trying a European British subject was given both to sessions judges and first-class magistrates, provided that they themselves were European British subjects; but their powers of punishment were limited, and if a sentence more severe than they could impose was required, the case must be committed to the high court for trial. In 1883 there occurred the Ilbert bill controversy. Some Indian members of the civil service were about to be appointed as district magistrates or sessions judges: government was anxious to abolish the rule which prevented Indians of positions as high as these from trying European criminals, and intro-

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duced the Ilbert bill for the purpose. It aroused violent opposition from European residents in India, and government agreed to a compromise. A European British subject may now be tried by an Indian if he holds the rank of district magistrate or sessions judge, but retains the privilege of claiming a jury, of whom half must be either Europeans or Americans. The right to claim a mixed jury, of whom one half are of the same nationality as the accused, has now been extended to Indians. And since 1923, a European British subject may be sentenced to death by a court of session.

A certain number of other posts are included in the judicial branch of the service. In the presidencies, for instance, there are presidency magistrates; whilst everywhere there are a certain number of law officers. In the legislative department of the government of India, there are a secretary, two joint secretaries and a deputy secretary, all of whom are civilians with judicial experience. In all the provinces there are judicial or legislative secretaries, or both, and in some there are also legal remembrancers, though occasionally this post is combined with one of the secretaryships. As a rule these are filled by civilians. The post of registrar of the high court is reserved for the civil service in Bengal, the Punjab, Burma and Bihar, but elsewhere it is now open to the provincial judicial service too.

The method of joining the judicial branch is described elsewhere.¹ In many provinces the embryo judge is sent home to study for the bar, or to be trained in the chambers of some English barrister. In one province, and possibly more, however, he is sent to the department of the legal remembrancer for training. The former method is the more expensive to government. To the officer himself, however, it is both the more pleasant and the more profitable, for a part of his additional expenses in being called to

¹See pages 207-8.

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the bar are covered by allowances, whilst, should he wish to obtain further employment on retiring from the service, his position as a barrister will be of value to him.

The duties of a judge have certain obvious advantages: he has fixed working hours, and outside them his time is his own if he chooses to make it so. His responsibility is also limited. He enjoys all holidays and also an annual vacation. The fact that he tries both civil and criminal cases gives a little variety to his work, whilst the district judge is also the district registrar, and as such has to manage a number of registration offices. He can also occasionally go away from headquarters to inspect either these offices or the courts of outlying *munsifs*. Some would add that he can spend a part of his working hours in sleep, but that is undoubtedly a libel—unless indeed, he is sitting as one of a bench of judges. But even when there is a bench, somebody must stay awake. The tale is told that a judge once mistook (or pretended to mistake) a nod of his brother judge, which was in fact due to sleep, for a nod of consent, and remarked to the counsel, ‘you see, my brother concurs’.

Many members of the judicial branch of the service are Indians. In April 1936, Indian district and sessions judges numbered no less than ninety-nine out of a total of 172. Indians have both a taste and a gift for judicial administration, which has attained, both on the civil and criminal side, a high standard of efficiency.

The power of civil courts to deal with revenue suits was a vexed question for many years. The Regulating Act of 1773 made all servants of the Company amenable to the jurisdiction of the supreme court. Its judges, especially Hyde and Lemaistre, took the view that all persons connected with the collection of the revenue were, for that reason, in the Company’s service, and accordingly began to take cognizance of cases brought against *zamindars* who, as we have seen, were revenue-farmers. The result was that

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zamindars who had been imprisoned by the revenue authorities for default, and cultivators who had been imprisoned at the suit of *zamindars* for the same reason, applied to the court for redress, and were released on writs of *habeas corpus*. This interference in a purely fiscal matter caused grave inconvenience, since it delayed or even stopped collections of revenue. Nor was this all; the court further sought to interfere in suits which were in no way connected with revenue administration, merely because one of the parties involved happened also to be a *zamindar*. The famous Patna case, for instance, related to a disputed legacy, and that of the Raja of Kasijura to repayment of a money debt. Hastings tried to prevent such intervention by inducing Sir Elijah Impey, chief justice of the supreme court, to accept the presidency of the chief company's court, the *sadr diwani adalat*, but the Company disallowed the arrangement, and it was not till 1781 that the matter was settled by an act, which removed from the jurisdiction of the supreme court all revenue matters, when these had taken place 'according to the practice of the country or the regulations of the governor-general in council'. In 1787, as a measure of economy, the collector became also a judge of the district civil court (*mofussil diwani adalat*), to which revenue cases went; but the result was that he tried as judge, cases which he had himself initiated as collector. This arrangement was obviously wrong, and it was reversed in 1793. From 1819, however, the pendulum began to swing slowly backwards; first one type of rent or revenue case was retransferred to the collectors, and then a second, and then a third, till his powers became much the same as they are now. (The present position, no doubt, varies in different provinces; in the United Provinces, which will serve as an example, it is as follows. The nature of a tenant's rights, with all questions that may arise between a landlord and a tenant in such matters as failure to pay

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rent, enhancement of rent, the making of improvements, or ejectment from a holding, have been carefully defined in a series of rent or tenancy acts, of which the last is dated 1926. The principles of settlement, the processes of land revenue collection, and the procedure of correcting the record of rights have been laid down in land revenue acts, of which the last is dated 1929. The administration of this body of law is in the hands of the revenue authorities; but in all regular suits brought under it they must follow the procedure of a civil court. In such cases as the correction of the register of proprietors (*khewat*) on the occasion of a transfer as the result of succession, sale, gift or mortgage, where a question of title arises or may arise, they must decide on the basis of actual possession, leaving the parties to raise the question of title in a civil court. Appeals from revenue courts in minor cases go to the collector: in other cases to the commissioner, or the board of revenue, or both.

A board of revenue was first established in 1772, with councillors as its members and the governor, Warren Hastings, as its president. It was in general charge of land revenue matters: its first achievement was to carry out the quinquennial settlement of 1773. In 1781, it became a separate body; and in 1787 it received judicial authority, as the appellate court for revenue cases. There was then a second appeal to the governor-general in council; but in due course the commissioner of revenue and circuit was interposed as an appellate court between collector and board, and the latter became the final revenue court of appeal, as it is still. It has always been an administrative as well as a judicial body, being in charge of settlement, land records and the land revenue staff: whilst in some provinces, as already stated, it is also the court of wards, and in charge of other estates that are under government's direct management. In 1922, in the United Provinces, it was divested of its administrative functions, except settle-

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ment, court of wards and government estates: but in quite recent years, it has once again been entrusted with a number of the functions which it had thus lost. Since 1934, however, it has ceased to be the provincial court of wards, which is now a body of non-official landlords elected by various interests, under a president appointed by the governor.

As a judicial authority, it is the revenue high court: and its rulings, when they conflict with those of the high court proper, take precedence. Instances of such conflict, however, are rare.

There are boards of revenue in Madras, the United Provinces, Bengal and Bihar: the Madras board has three members and that of the United Provinces has two, but in Bengal and Bihar the term board is a misnomer, for in each case there is only one member. In non-regulation provinces, the work of the board is done by officers called financial commissioners: there are two of these in the Punjab, though one of the posts has been in abeyance for several years. There is only one in Burma and the North-West Frontier Province, where he is, however, called revenue commissioner. In the Central Provinces, Assam, and Bombay, there is neither a board nor a financial commissioner; their work, both administrative and judicial, is for the most part done by members of government.

Memberships of a board of revenue and financial commissionerships are appointments reserved for the I.C.S., and for provincial civil servants who are entitled to hold listed posts.

CHAPTER IX

The Secretariat and Heads of Departments

Let me once again begin with a quotation from the article on India in the India Office List. 'The preceding sketch of Indian administration would be incomplete without a reference to the secretariat, or central bureau of each province, which controls and gives unity to the whole. From the secretariat are issued the orders that regulate, or modify, the details of administration; into the secretariat come the multifarious reports from the local officers, to be there digested for future reference.'

This is another of those tabloids of information of which this article is full, but in this case it is possibly too compressed. It omits to mention, for instance, the secretariat officer's love for codes, manuals and precedents, which he uses as a sort of departmental bicarbonate to aid digestion of the pabulum provided for him by the local officers. It also omits to mention that the local officer regards the secretariat as an interfering set of busybodies, and all its works as works of supererogation—though he might, when feeling expansive, admit that he would often find himself in difficulty if there was no secretariat to which he could refer. The only method of making the local officer appreciate the use of the secretariat is to bring him into it for a while himself, so that he may realize exactly where the local shoe pinches the secretariat foot.

The best method of realizing the work done in the secre-

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tariat is to trace the history of a letter when received there. It is first registered, and then is given to a reference clerk. He will read it, note all the references mentioned in the letter, and put up the file or files in which those references are to be found, placing a slip at each reference. He will then pass the papers on to another clerk, who will write a note in which he will state the gist of the letter, explain the connection between it and its predecessors, refer to any precedents or rules that are applicable, and state how they apply. He is not permitted to make criticisms or comments; though, if the case is simple, he may suggest a course of action, even to the extent of putting up with his note a draft reply.

He will then pass the file to his superintendent, who is a superior clerk in charge of a section of the office. He will read the note and, according to circumstances, either pass it, or alter it, or add to it, or write an entirely fresh note of his own. The case will next go to an under-secretary (if there is one), who will state his opinion, or suggest a course of action. He then sends it to the secretary, who may either pass orders, or add a further note; if by this time the noting has become complicated, he will probably write a fresh note, covering the whole case, so that his own superiors need not read the others. From him, the case goes to the member or minister in charge, who may pass final orders, or write yet another note and send it to the governor, who then passes the final order. The better the subordinate officers have done their work, the less will the superior officers have to do; and the under-secretary or superintendent, whose notes are followed by nothing but a string of names or initials,¹ indicating agreement, can feel assured that his work has been well done.

Once final orders have been passed, the file travels back

¹The governor, member, and minister initial: others sign their full names.

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to the office for the preparation of a draft reply. The clerk who writes this must always reproduce the sense, and if possible the words, of the order. Occasionally, he overdoes verbal fidelity with disastrous results, for notes are sometimes expressed in terms more lucid than polite; or in his anxiety to make sure that nobody can mistake the meaning, he will reiterate the same phrase again and again. He rarely uses a short word if he can think of a long one; and, by the time his draft reaches the under-secretary, it is often a mass of 'grandiloquent and redundant verbiage', as he would himself call it. After the under-secretary has amended, or possibly rewritten, the draft, he passes it for issue; or if it is of sufficient importance, may send it for approval to the secretary. Only drafts relating to matters of moment would go beyond the secretary.

Every secretary has a weekly interview with the governor, at which he lays before him such files as he can explain orally, thus saving the governor the trouble of reading them. Further, he has the power to refer a case to the governor at any stage of its progress, even if the member or minister in charge has passed final orders: for though he works for and under a member or minister, he is a 'secretary to government', and as such responsible to the whole government, rather than to any particular member of it.

Since the reforms of 1919 came into force it has become increasingly the practice to replace under-secretaries by deputy secretaries. A deputy secretary is always a man of some standing, usually of at least ten years' service, whilst an under-secretary has rarely more than five or six; and by reason of his greater experience, a deputy secretary can safely be entrusted to deal finally with more cases than an under-secretary. On the other hand, it debars younger men from a training that in future years will be of considerable service both to them, and to government; and, personally, I should like to pass all young civilians for six months

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through the secretariat, as a regular part of their training.

The secretariat officer has sometimes to deal with decidedly curious references. Once upon a time, there was a serious disturbance in the secretariat of the government of India, which arose when a letter was received addressed to M. le Gouverneur-Général des Indes. The letter, which came from somewhere in the south of France, demanded copies of certain *actes judiciaires*. It went from one department to another. Each in turn denied that they were concerned with the sending of acts, of any kind, to any foreign country. At last the letter reached an officer who knew French. He explained that *actes judiciaires* did not mean acts, of any kind, but the records of a law suit; and added that the simplest method of dealing with the letter was to send it to the person to whom it was addressed, who was not the governor-general of British India, but the governor-general of the French Indies.

Men talk of the law's delays, but I have known delays in secretariats which are nearly as bad. There was once a clerk who, when presented with a knotty problem, was in the habit of taking it home to unravel it at leisure. Unfortunately, he never seemed to have any leisure; and so it became necessary every six months or so to send out a search party, which invariably returned in triumph with half a dozen files which they had extracted from his shelves, all of them from six to nine months old. He was an expert in his own particular line; I can remember a case which travelled all the way to Whitehall and back, in which the only person who agreed with the clerk was the secretary of state. But an opinion, however excellent it may be, seldom has more than an academic interest after six months. There was also the case of the officer who was asked to express his opinion regarding a certain gun which had just been invented. He began with a brief account of Jona-

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than's artillery (which, if I remember right, consisted of bow and arrows). He next dealt with the Roman catapult, and then with demi-culverins, sakers, falconets, bombards, 64-pounders, galloper guns, 4.7's, howitzers, until at last he came to the gun under consideration. He sent in his monograph in due course, but received it back, with the laconic comment—'a new gun has since been invented'. That was presumably a soldier, but I have known civilians as dilatory in their own sphere.

But a secretary's work is rarely lightened by any touch of humour. When it does occur, it is usually provided by the stenographer. An Indian stenographer, however expert he may be, has always a certain difficulty with a new master. He does not pronounce English exactly as an Englishman would, and has to learn the peculiarities of 'his master's voice' before he can take down his dictation correctly. On one occasion, when writing a note about improvements to certain roads, I suggested the advisability of kerbs: the stenographer (in this case a lady), reproduced this as gaps, and I had some difficulty in persuading her that a gap was not an improvement to a road.

The work of the secretariat officer is often heavy; it is often dull and thankless, and it sometimes involves heavy responsibility. If he is to keep abreast of his files, he has often to work long after office hours. He can never go into camp, and is lucky if he can get an occasional Sunday in the country with a gun. On the other hand his work does not lack variety, for he is always in charge of several departments. And to make up for his disadvantages he spends the summer and rains in a hill station, and gets special pay. He also acquires a mass of variegated experience, which will be serviceable to him in future years. On the whole, he has not too bad a life; and he is always a picked man.

He is also well served, for the staff of the secretariat is

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far more efficient than the staff of other offices. Every clerk must have a good knowledge of English; and many of them belong to the domiciled community. They sometimes rise high; one officer who served originally as a clerk and had begun his career in a post carrying fifty rupees salary a month, ended as a deputy secretary and officiating secretary to government at 2,500 a month, with a string of nine letters after his name. But there are few as good as he, and as a rule the post of assistant secretary is as high as a clerk can expect to rise.

A provincial secretariat is divided into departments, the number and nature of which vary greatly. Every province, however, has its finance and revenue departments, and also a department which deals with law and justice, though the name of it differs—judicial, legal, legislative. The composition of the staff also varies: every province has a chief secretary and a number of secretaries, but the changes are rung freely in respect of the rest of the staff—joint, additional, deputy and under-secretaries—whilst some have other officers with special designations, such as reforms officer or director of publicity. In the Punjab two secretaries, for revenue and development respectively, are also financial commissioners. In April 1936, the total number of secretaries (including chief, joint and additional secretaries), varied from six in the North-West Frontier Province to thirteen in the Punjab, and eleven in Bengal: the average number was eight. The total number of deputy and under-secretaries and other officers varied from three in Assam to thirteen in the Punjab: the average number was six. In the government of India there were, in April 1936, no less than twenty-five secretaries, with joint and additional secretaries, twenty deputy and under-secretaries, and ninety-seven other officers. The post of secretary is reserved for members of the I.C.S., or for provincial service officers who hold listed posts. The post of deputy or

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under-secretary, however, is also open to ordinary members of the provincial services.

Since 1909, when the Morley-Minto reforms came into being, provincial and central secretaries, with other administrative officers at headquarters, have been liable to nomination to the legislatures: for they were wanted to explain technicalities of administration to non-official members who, for the most part, were ignorant of them. Some spoke well, others less well: a few were, like Lord Stanley, 'Ruperts of debate'. But 'eloquence is the child of knowledge', and the official speaker had always the merit of knowing his brief. And at all events, he was rarely guilty of reading his speech, even in days when manuscript eloquence was both common and condoned. A tale is told of a private member, who whilst declaiming an admirable essay, ended a quotation from another author with the forceful phrase, 'the italics, my Lord, are mine.' I doubt if any official, even in a Morley-Minto council, ever perpetrated such a solecism. But paper oratory has long been a thing of the past. Had any member of a Montagu-Chelmsford council attempted it—except, possibly, at his maiden effort—he would quickly have been interrupted by some indignant fellow-member on a point of order, and have received short shrift from the president.

In the new constitution which will come into force in April 1937, there is no room for official legislators: their disappearance becomes inevitable. And yet, when I remember all the useful work that official members have done in the past, and how they have spent themselves, not only in public debate but private conversations, to elucidate administrative difficulties for their non-official colleagues: when I remember, too, the great good-feeling which almost invariably existed between them, so that inveterate foes within the chamber were warm friends outside it—I cannot help wondering whether the non-official

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member of the future will not sometimes regret the official member's absence.

Both in the government of India and in the provinces, there are a number of special posts which are open to civilians. There are, for instance, the central departments of audit, customs, posts and telegraphs, and the political department, with such appointments as those of income-tax commissioner, secretary to the council of agricultural research and to the tariff board, together with a membership of the public service commission. There are also some posts abroad in the high commissioner's office in London, with trade commissionerships in London, Hamburg and Milan, and the post of agent to the government of India in Ceylon. In the provinces, civilians are heads of such important departments as excise (an important source of revenue): of co-operative credit societies (a department from whose activities the cultivator derives much benefit): industries: registration: and land records. And there are other special or occasional appointments, too numerous to mention. But one very pleasant post, that of opium agent, has disappeared with the reduction of exports of that drug—of which one of the last incumbents said that it provided him 'with two hours work every other wet Thursday'.

CHAPTER X

The Political Department

The political department may be regarded as the diplomatic corps of the government of India. Some of its work is done in foreign countries on or near the frontier. Two of its members, for instance, have the rank of His Britannic Majesty's Minister at the courts of Kabul and Kathmandu respectively. Others hold consular posts at Kashgar in the Chinese province of Sin Kiang; at Meshed and elsewhere in the Persian province of Khurasan; at Bushire, Muscat and other places on the Persian gulf; whilst there is also a trade agency at Gyantse and Yatung in Tibet. Others, again, are stationed in certain British administrative areas outside India or on its borders—Aden, the North-West Frontier Province and Baluchistan. But by far the greater part of the work of the political department is done in the Indian states, together with two minor administrations which lie amid or near such states, namely Ajmer—Merwara and Coorg.

There are 562 Indian states, covering an area of 60,000 square miles with a population of nearly eighty millions, or about forty per cent. of the total area and twenty-three per cent. of the total population of the Indian peninsula. In their importance, their geographical features, their economic and administrative conditions, they differ greatly. At one end of the scale, there is Hyderabad, with an area of 83,000 square miles, a population of nearly 14½ millions,

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and a revenue of over six millions sterling; at the other end, there are tiny states in Kathiawar, each of a few acres, with a revenue 'not greater than the annual income of an ordinary artisan'. Some states, like Mysore and Hyderabad, are rich and fertile; some, like the states in Rajputana and Central India, are relatively poor and arid; some are jungle-states, like Manipur. There are states in the hill country of the Himalayas and the Ghats, states on the plateaus of the Deccan, states on the sea coast of Kathiawar and southern India. There are constitutional states and autocratic states; progressive states and states that 'still linger in a mediæval atmosphere'. And their historical origins are as diverse as their geographical and other circumstances. Rajput princes, Mogul viceroys, Maratha freebooters and pirates, Sikh and Pathan chieftains, Pindari bandits, all have played their part in building up this 'Indian India'; and states ruled by their descendants survive to the present day. Yet despite all these elements of diversity, there is one feature common to them all. No state is part of British India, or governed by its laws: they are governed by their own princes, under the suzerainty of the British Crown. The Crown is represented by the viceroy, who holds the portfolio of the political department; and it is through the officers of that department that he maintains touch with the states and their princes on behalf of the Crown.

When the Company first sent its fleets to India, it was in no sense representative of the English nation or government; it was a body of private persons, permitted by the English sovereign to risk their private capital in the East Indian trade. And so when its servants sought leave from an Indian ruler to establish factories in his dominions, they approached him with every circumstance of humility, in the guise of suitors praying for the grant of concessions. They had no desire to interfere in Indian state affairs; and

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except for the vainglorious adventure of John Child in 1686, they maintained this attitude for nearly a century and a half. But in 1744, France and England went to war, and the English company found itself at grips with its French rival at Pondicherry. The French governor, Dupleix, being desirous to drive the English into the sea as a preliminary to establishing a French empire in southern India, supplemented direct hostilities by alliances with Indian rulers; and the English, forced to counter his intrigues, began to make their own alliances, and to intervene in the welter of Indian politics. Thus the history of the next sixty years is studded with treaties with various Indian states—the nawabs of Bengal and the Carnatic, Hyderabad, Mysore, Oudh and the Maratha princes, a couple of dozen in all. Most of the earlier treaties were negotiated on a basis of equality. One good instance is the treaty made with Hyderabad in 1766, whereby the nizam ceded to the Company the tract called the Northern Circars, on condition that it should lend him troops whenever he needed them, and pay him nine lakhs of rupees in every year in which he did not; and another instance is the triple alliance between the Company, the nizam and the Maratha confederacy, which was formed by Lord Cornwallis in 1790 against Tipu Sultan of Mysore.

About the beginning of the 19th century, Lord Wellesley began to arrogate to the Company a position of superiority over its Indian allies. On various grounds, he annexed important territories—Tanjore, the Carnatic, Cuttack, large areas in Mysore and Oudh; and he made 'subsidiary' treaties with various princes, which deprived them of a part of their sovereign rights. They must maintain in their states at their own expense a body of Company's troops, which remained at the Company's orders: they must surrender the power of negotiating with foreign powers and with other Indian states in alliance with the Company:

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they must refrain from employing foreigners in their service. In the cases of Mysore and Oudh, he claimed the further right of interfering in their internal affairs. In short, he sought to make the Company the paramount power in India within its sphere of influence. He failed, because the directors, alarmed by the costliness of his operations, recalled him, and sent out Lord Cornwallis to reverse his policy, and renounce his treaties with the Marathas; but some of these survived, notably those with Hyderabad, the Peshwa, Mysore and Oudh.

Lord Hastings completed the work which Lord Wellesley had begun. By 1819, he had finally crushed the Maratha princes, and had made a large number of subsidiary treaties on Wellesley's model both with them and with Muhammadan and Hindu states that had formerly been subject to them. He also concluded a treaty with the Gurkhas of Nepal at the end of the war in 1816, which has never since been infringed. Outside Sind and the Punjab, the British government controlled the foreign relations of every state in India, arbitrated in their disputes, supervised their subsidiary forces and their contingents (which were bodies of troops belonging to the states but at the disposal of the Company), and had posted residents to watch British interests in every major state. The British government was, and was recognized as, supreme.

On the other hand, both the directors and Lord Hastings himself were unwilling to undertake the responsibility of interfering in the internal administration of their allies, and formally disclaimed any intention of doing so, unless their mismanagement should breed trouble in the Company's dominions. But in practice, it proved impossible to maintain this aloofness. Since every prince's throne was secure under British protection, he could afford to administer his state as seemed best, or worst, to him, regardless of the discontent of his people. And again and again,

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the Company was forced to intervene—in Hyderabad, several times; in Mysore, which was taken over in 1831 and not restored till 1881; in Central India, in Kathiawar, in Baroda and in Bharatpur.

For many years, the directors were as averse to annexation as they were to intervention. But as it became clear that British administration was improving as rapidly as state administration was deteriorating, and that the people concerned had much to gain by transfer to British control, the old fear of annexation died away, till at last the Company declared that 'in future no just and honourable opportunity of acquiring territory was to be rejected'. This led to a policy of annexation both where there had been maladministration, and where a state, that had been created by the Company itself, became liable to escheat because its ruler had died without a natural heir—the 'doctrine of lapse'. Lord Dalhousie, in pursuance of this policy, annexed Oudh for maladministration, and Nagpur, Satara and Jhansi for lack of heirs. The doctrine of lapse could only have affected a small number of relatively unimportant states. But the doctrine that long-continued misrule might lead to annexation threatened the existence of more important states than Oudh, and caused much uneasiness amongst their rulers.

Before 1813, the British Crown had never claimed sovereignty over the Company's Indian possessions. Parliament might legislate for them, might erect a board to control the Company's methods of governing them, might establish a supreme court with jurisdiction over British subjects residing within them; but never did it venture to suggest that either the possessions or their inhabitants were British. The reasons are plain. *De facto*, the Company might wield full and independent authority in its own dominions: but *de jure*, the sovereign of these dominions was still the Mogul emperor, and the Company,

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as *diwan* of Bengal, was merely one of his officials. Indeed, the governor-general was described on his own seal as the emperor's servant. The Crown could not rule by the Company's title, since it would thus accept a position of subordination under the Mogul Crown. Nor could it take over the Company's independent authority, since that would have amounted to usurpation of the Mogul emperor's prerogative, and would have led to complaints in the European capitals which were interested in India.

But by 1813, the position had completely changed. The French power in India had been destroyed, the French and Dutch possessions throughout the East had been seized. The emperor's person had passed from Maratha to British custody. The Company was by far the strongest power in India. The time had come to do away with the fiction of subordination, and the formulæ in which it was enshrined. And so the governor-general's seal was changed, empty protestations of obedience in official correspondence were abandoned, and the treaty of Paris of 1814 expressly recognized British sovereignty over the Company's possessions in India. And the Charter Act of 1813 in plain terms stated that the Company's authority was renewed 'without prejudice to the undoubted sovereignty of the Crown of the United Kingdom in and over' those possessions. The Charter Act of 1833 further declared that the Company's powers were to be exercised 'in trust for His Majesty, his heirs and successors, for the service of the government of India'. And in 1835, the last vestige of Mogul sovereignty disappeared, when the Company ceased to strike its coins in the image and superscription of Shah Alam II, who had died some thirty years before.

The paramountcy of the British Crown in India may accordingly be taken as dating from 1813. Till 1858, it was exercised through the Company, as agent of the Crown. Since 1858, the agent of the Crown has been the governor-

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general in council. It is true that the viceroy himself has always held the portfolio of foreign and political affairs, and that the princes consequently have always been in immediate relations with him, the representative of the King-Emperor. But it is also true that matters in which they were concerned were decided by a body which had no special knowledge of them, might have interests in opposition to theirs, and might appear as judge in its own cause.¹ It was for this reason that the Indian states committee recommended that the agent of the Crown should be not the governor-general in council, but the viceroy.

The present relations² between the states and the Crown can be stated briefly.

(1) The Crown, in virtue of Queen Victoria's proclamation, holds itself bound by all treaties and other engagements that had been made between the states and the Company before 1858.

(2) The states cannot enter into relations with foreign powers. The Crown represents them in international affairs, and protects their subjects, when abroad, in the same manner in which it protects its own. On the other hand, the states must assist the Crown in fulfilling its international obligations in such matters as extradition and neutrality.

(3) The old policy of isolating the states has come to an end with the creation of the Chamber of Princes in 1921. They are now not only linked to the government of India, but to each other. They cannot, however, settle their disputes with other states, or part with their territories to them, without the approval of the Crown.

(4) It is the duty of the Crown to protect the states against external or internal enemies. The states contribute

¹Indian states committee's report, page 36.

²As between Crown and states, they have not been altered by the Government of India Act of 1935. See page 249.

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to the cost of defence by payment of tribute, by assignments of land, or by maintenance of Indian state forces.

(5) The doctrine of lapse was abandoned in 1862, when *sanads* were granted which confirmed to Hindu rulers the right to adopt on a failure of natural heirs, and to Muhammadan rulers the validity of successions in accordance with Muhammadan law. In other words, the princes were assured that their rule would be perpetuated. On the other hand, any succession requires the recognition of the Crown, though in the case of a natural heir in the direct line, the recognition is purely formal.

(6) The policy of the Crown is one of non-interference in the internal affairs of the states. But it is not only its right, but its positive duty to interfere for the remedying of misgovernment, and the reformation of abuses. 'In guaranteeing their internal independence . . . it naturally follows that the Imperial Government has assumed a certain degree of responsibility for the general soundness of their administration.' That is the theory, as stated by Lord Minto in 1909: and it has many times been carried into effect. In such cases, a commission of inquiry must now be offered before action is taken. But that action no longer takes the form of annexation, but of 'the deposition of the prince, the curtailment of his authority, or the appointment of an officer to exercise political superintendence or supervision.'¹

Finally, the nature of the Crown's paramountcy has been described by Lord Reading (1926) in the following words. 'The sovereignty of the British Crown is supreme in India, and therefore no ruler of an Indian state can justifiably claim to negotiate with the British Government on an equal footing. Its supremacy is not based only upon treaties and engagements, but exists independently of them, and . . . it is the right and duty of the British

¹Indian states committee's report, page 30.

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Government, while scrupulously respecting all treaties and engagements with the Indian states, to preserve peace and good order throughout India.' The last two words make clear the chief difference between the policy of the Company and the policy of the Crown in respect of intervention in the internal affairs of the states. The Company held itself responsible for maintaining peace in *British* India, and would only interfere with the states if their disorders threatened to disturb that peace. But the Crown holds itself responsible for maintaining peace *throughout* India, both British and Indian.

Seven states are in immediate political relations with the government of India, namely, Hyderabad, Mysore, Baroda, Kashmir, Gwalior, Bhutan and Sikkim: of these the first five have each its own resident, whilst the last two have one political officer between them. The other states are grouped in ten agencies. Two are linked to the British administrations of Baluchistan and the North-West Frontier Province respectively; the other eight agencies are Central India, Deccan, Eastern, Gujarat, Madras, Punjab, Rajputana and Western India. There are also a few states which are in relation with the provincial governments of Assam, Bengal, the Punjab and the United Provinces. The agencies are under an officer entitled 'agent to the governor-general', who is in some cases assisted by residents and political agents; the Rajputana agency has three residents at Udaipur, Jaipur and Jodhpur respectively, and two political agents; Baluchistan and the North-West Frontier Province agencies have each five political agents; and the Central India agency has three. In the Deccan and Gujarat states agencies, the agents to the governor-general are also residents, for Kolhapur and Baroda respectively. The political agents for the states in relation with provincial governments are a neighbouring commissioner or district officer. There are also a number of other posts at the dis-

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posal of the department—administrative and executive posts in the five British administrations already mentioned, secretarial posts in the foreign and political department of the government of India, or in certain agencies: and a number of judicial, educational, medical and police posts. A certain number of officers also hold posts in the governments of the states themselves. Thus the political officer has many incarnations—diplomat, consul, trade agent, administrator, secretary. He has a variety of miscellaneous posts at his disposal and of miscellaneous duties to perform.¹

The department is recruited partly from the Indian civil service, partly from officers of the Indian army. Civil probationers are usually recruited from unmarried officers of three or four years' standing; the period of probation is three years. On selection, the probationer must undergo six months' training in a state or frontier district, at the end of which time his general knowledge of Indian history, political subjects and frontier conditions is tested by an oral and written examination; nor will he be confirmed unless he can speak Hindustani fluently and fittingly, for Hindustani is a ceremonious language. The military officer goes through a similar test, but must first have been attached for some eighteen months to a district in the United Provinces or elsewhere for training in revenue and judicial work, where he must pass a modified form of the departmental examination.

'The position of a political officer', say the Indian states committee of 1929, 'is by no means an easy position. It calls for great qualities of character, tact, sympathy, patience and good manners. He has to identify himself with the interests of both the paramount power and the princes and people of the states, and yet he must not interfere in internal administration.'² Elsewhere the committee say, quoting Lord Minto, 'political officers have a dual capa-

¹See also page 5.

²Report, page 39.

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city as the mouthpieces of government and also as the interpreters of the sentiments and aspirations of the state.' They point out, again, that the political officer must be acquainted not only with the language and customs of the people, but with 'all those graceful courtesies of manner and conduct to which Indians attach supreme importance'—that etiquette, for instance, relating to the use of the chair and the greeting of the guest, which is carefully taught to the children of every respectable family, and is described in the phrase *uthnā baithnā*—rising and sitting. It is well to observe such etiquette as this in all places and in all companies: it is imperative to observe it in an oriental court and in the company of Indian princes who observe it minutely themselves. In short, the political officer must have all the qualities and accomplishments of a diplomatic officer.

The political department has been in existence for many years. It has produced many great men—Henry Wellesley, the skilled diplomatist better known as Lord Cowley; Arthur Wellesley, better known as the Duke of Wellington, who did good work in Mysore when it was re-established as a Hindu state: that remarkable trio, Mountstuart Elphinstone, John Malcolm and Charles Metcalfe, who about the same time (1808), were sent on important missions to Kabul, Persia and Lahore respectively: Sir Robert Sandeman, whose settlement of Baluchistan is a model for all time: and many more, both soldiers and civilians. That the path of the states has been so smooth since 1858, has been due to the department's efficiency. The princes themselves recognize that 'they owe much of their present prosperity and progress to the friendly advice and help of political officers The relations with political officers are a credit to both.'

But the princes are now to be invited to become mem-

¹Indian states committee's report, page 39.

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bers of an all-India federation. Those who reject that invitation are likely to find themselves once more isolated, as they were before 1921. Those who accept it are likely to insist that their status must be that described in Kipling's line—'Daughter am I in my mother's house, but mistress in my own.' One thing is certain—that if the greatest experiment in constitution-making that has ever been attempted is to succeed, then, in the political department even more than in others, there must be a steady supply of officers as good in the future as their predecessors were before them.

CHAPTER XI

Famine and Census

1. Famine

The greatest part of India's wealth consists of its crops. In a hot, dry country, the success or failure of the crops depends chiefly on the water-supply. In any country, the water-supply depends chiefly on the rainfall. And in India, the rainfall depends chiefly on the south-west monsoon. This is a warm wind, which blows up the Indian Ocean at a particular time of year. Starting in the latitude of Zanzibar, by the time that it reaches India, it is saturated with vapour. It then breaks into two currents; one moves up the Arabian Sea and gives abundant rain to the west coast, usually as far as Gujarat; then, missing the Indus basin, it turns eastward to give moderate rain to the Punjab and the western parts of the United Provinces. The other current moves up the Bay of Bengal, and gives rain to the east coast, to Burma, Bengal and Assam, and then turns westward over Bihar and the eastern parts of the United Provinces. When the two currents, having turned inwards, have strength enough to meet, then the rainfall will be adequate and the crops will be good. But should they fail to meet, then in the tracts which have received no rain or not enough, the crops will be bad. And if two monsoons fail in succession, then there is likely to be famine.

It follows that the coasts, Burma, Assam and Bengal are

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almost invariably safe, and Gujarat, the Punjab and Bihar are usually safe. The parts where the rainfall is apt to fail and agriculture is relatively precarious are those in the centre of India—the United Provinces, the Deccan, Rajputana and Central India. And this is borne out by history. From 1770 to 1919, there have been seventeen famines, some widespread, some partial. Of these, Bengal, Orissa, Bihar and Gujarat, were each affected by only one. The Punjab has suffered thrice. But of the precarious tracts, the United Provinces have suffered eleven times, and the Deccan, Rajputana and Central India twelve times. And between 1600 and 1770, there are fifteen famines recorded. Of the first of these (1630), which seems to have covered the whole of Central India from Gujarat to Masulipatam, we know a good deal from the old factors, who came in close contact with it in both the places mentioned. Of the other fourteen, which occurred between 1660 and 1750, little is known, except that they did occur. But since there have been (at least), thirty-two famines in 319 years, it follows that, somewhere in India, especially in its central tracts, the agricultural population is liable to a serious calamity, on the average, once in a decade.

And the seriousness of a famine can be gauged from the recorded results of that of 1907-8, which affected an area of some 66,000 square miles in the United Provinces, and a population of some thirty millions. At that time, the normal outturn of food-grains in a good year over the whole province was estimated to be $13\frac{3}{4}$ million tons, and the normal value of its cash-producing crops (such as sugar cane, oilseeds and cotton), at sixteen millions sterling. The actual outturn of 1907-8 was estimated at $6\frac{1}{2}$ million tons of foodgrains, or 48 per cent. of the normal, with cash-producing crops to the value of six millions sterling, or $37\frac{1}{2}$ per cent.

In the worst of famine years, there is in India, taken as a

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whole, always enough food to feed its total population. That suggests that the ordinary economic law of supply and demand would operate to save the famine-stricken area, by causing the surplus stocks of other tracts to move to its rescue. But until relatively recent years, there have always been two causes, and sometimes a third, to delay or prevent the working of that law. Firstly, means of communication were bad, and distances were long. The supplier could not even know that a demand existed; there was as little chance of Bengal's needs in 1770 being met by the Punjab, or Gujarat, or even Madras, as there is of a famine-stricken area in central China today being supplied with wheat from Australia or the Argentine. Again, with wretched roads and long distances, there was small chance that supplies, even if despatched, would reach their destination in time. Secondly, the lack of rain which produced a shortage of food also produced a shortage of fodder; and since the only means of transport were pack or draught animals, they must be kept alive on the grain which they carried. And thirdly, the surplus food grains available were often unsuited to the needs of the famine area. It is as difficult to induce a person accustomed to a rice diet to replace it by wheat or barley, as it would be to induce a vegetarian to eat meat; which point is well brought out in Kipling's delightful famine story called *William the Conqueror*. These causes account for the appalling death rolls of earlier famines, of which the Orissa famine of 1866-7 was the last.

But in these days of railways, good roads and mechanical transport, the law of supply and demand works according to plan, and government's problem is now to ensure that everybody has sufficient money to buy the food which will be imported into the famine area in the ordinary course of trade. The working of famine operations in modern conditions can best be explained by a brief account of the

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famine of 1907-8 in the United Provinces, which may be prefaced by the definition of a few technical terms.

(1) Gratuitous relief is the name given to weekly doles of money for the purchase of food which is given to all who are unfit to work; the money is provided by government.

(2) A relief work is a work financed by government for the purpose of providing employment for those who need it. Since labourers of this kind are always unskilled, it usually consists entirely of earth work, such as the raising of a road, the building of an irrigation or railway embankment, or the digging of a canal. The labourers receive wages which are fixed on the basis of prevalent prices, and also doles for such dependants as they may bring with them, if unable to work.

(3) A public relief work is one under the charge of the public works department, and capable of affording employment, on the average, for 5,000 labourers.

(4) A test relief work is of the same nature as a public relief work. Its object is to test the need for employment. The daily task is heavy, which ensures that only persons in real distress will enrol themselves; and doles are not given to dependants. When the number of labourers at a test work begins to grow large, it is turned into a public relief work.

(5) A civil work is a small relief work, such as can be managed by a civil officer instead of a trained engineer, and of a size to afford employment for a single village or group of villages.

The rains in 1907 began late and ceased early. By the end of a dry September it was plain that the autumn harvest would fail; by the end of a dry October it was plain that the sowing of the next crop would be far more costly than usual. The ground was hot and dry and hard; more artificial irrigation would be needed to soften it and to mature the crop when sown, and more labour would be needed to plough it. Meantime, the cultivator's income

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had been greatly reduced by the failure of the autumn crop, and his credit was contracting. He had not, nor could he borrow, the money to buy seed, let alone to plough and water. Government's first step, therefore, was to make liberal advances for the purchase of seed and the construction of additional wells, to a total of over £870,000. And its next step was to relieve the cultivator of the most pressing of his obligations, by remitting or suspending land revenue due for the autumn crop to the extent of over £765,000, about 36 per cent. of the total demand, which carried with it a proportionate relief in rent.

The months of October and November were spent in making the preparations necessary for opening relief operations as soon as need should arise. Gratuitous relief circles were fixed, which usually corresponded to the circles of the *kanungos*. Lists of persons eligible to receive gratuitous relief were prepared, and a staff to distribute it was selected which was largely composed of private persons. The tools necessary for the relief works were assembled in convenient places; and the famine staff—engineering, medical, clerical, and supervisory—was collected. To assist the civil staff of the districts, forty officers were borrowed from the Indian army and seven from the police of the provinces.

The distribution of gratuitous relief began about the 1st December, and the first test work was opened about the same time. Public relief works were first started a fortnight later, and as time passed fresh ones were added. The climax was reached by the middle of March, when over 1,404,000 persons, or about 4.7 per cent. of the population of the stricken area, were in receipt of relief of some kind, of whom 900,000 were on public relief works, 139,000 on other relief works and 365,000 were in receipt of gratuitous relief.

The concentration of large numbers of labourers on public relief works during the hot weather leads to difficulties in respect of the water supply, increases the risk of epidemic

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disease, and adds to the discomfort of the dependants, who are, for the most part, young children. Accordingly, early in May, the public works were broken up, and the labourers were transferred to civil works near their own villages; and, as a measure of convenience, their dependants were added to the local gratuitous relief lists,¹ a change which enabled them to live in comparative comfort at home.

Meantime, government had made further remissions and suspensions of the land revenue due on the spring crop. Thanks to some timely rain that fell during the cold weather this had been much better than the autumn crop, and the amount of land revenue remitted or suspended was only £350,000, or 16 per cent. of the demand. And on the approach of the monsoon, government made further advances for the purchase of seed and plough cattle amounting to some £520,000.

The monsoon broke early, the rains on the whole were good, and labourers began to leave the works and go back to ordinary agricultural employment. By the end of August famine operations were closed, with a valedictory dole for one month to all that were then either on the works or in receipt of gratuitous relief.

During a famine there is often much wandering in search of food or employment. Those wanderers who are unable to work are placed in poorhouses specially erected for the purpose. In 1907-8 there was little wandering. The largest number of persons in the poorhouses at any one time was 5,361, a small figure in a population of forty-eight millions. Some of these poorhouse inmates had curious histories. I remember a blind Brahman, who had come from the far side of Trichinopoly on a pilgrimage to Benares and other holy places in the United Provinces. He had, as he put it himself, taken a wrong turning, and so

¹The dole given to a dependant at a relief work and to a recipient of gratuitous relief was the same amount.

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found himself in a poorhouse in a Bundelkhand district. He did not know a word of Hindustani, and it was only possible to talk to him through an interpreter; and when I sent him home, I had to send a policeman with him to see that he did not take another wrong turning.

During the last sixty years much has been done to prevent the recurrence of famine. Canals have been built wherever possible, and the railway system has been widely extended, so that there is now no longer any fear that food will not be imported when necessary. In the last few years electricity has also been brought into play for the prevention of famine, for there has been set on foot in the United Provinces a hydro-electric system which provides energy for many purposes, including the working of some 1,400 tube wells, with the result that henceforward ten districts should be entirely safe from famine. And lastly, since partly by loss of revenue, partly by additional expenditure, a famine throws a heavy burden on the provincial finances, every province is now obliged to maintain a famine relief fund at a figure estimated to suffice for the cost of any future famine. The cost of the famine of 1907-8 in the United Provinces was £2,135,000, of which a sum of £704,000 represents loss of revenue, and the rest expenditure that would not have been incurred but for the famine. These figures are in addition to the advances for seed and other purposes, which were recoverable: they amounted to £1,390,000.

But the cost of a famine is never likely to be as great as this in future. Many officers believe that the people's power of resistance has increased so greatly that in future famines public relief works will be unnecessary, and that nothing more than aided works¹ will be required. Be that

¹An aided work is a relief work built by a private person, partly out of his own funds or from a government advance, and partly from a grant given by government.

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as it may, the old famine of history, with its dreadful death roll, is not likely to recur. In 1907-8, the total number of deaths which could, directly or indirectly, be attributed to starvation was eleven. It is now less a case of preventing starvation than of relieving unemployment in the two accepted ways, by providing work for the able-bodied and by providing doles for those who cannot work.

Nevertheless, for the district officer a famine is a trying experience. It is a time of ceaseless work, for in addition to the work which the famine itself places on his shoulders there are also his ordinary duties to be fulfilled. It is a time of constant anxiety, lest even one death should occur that he could prevent. He is exposed to the rigours of the climate in a way which he never experiences at any other time; his camping season, for instance, is not confined to the cold weather, but extends from the middle of October to the middle of August; and a hot weather afternoon spent in a tent is hell enough for any man. Famine has been called 'the civilian's active service'; it has, at all events, its casualty lists. Near Jubbulpore may be seen a cross with an inscription—'To the memory of the officers of the Central Provinces who sacrificed their lives to their duties in the struggle to save life during the great famine of 1896-7.'¹ It bears the names of five members of the Indian Civil Service, one engineer, one police officer and two lieutenants of the Indian army. In 1907-8 the death roll in the United Provinces included eight officers of government.

During a famine the Indian peasant is seen at his best. He knows from the start that agriculture is a game of chance between man and nature, and that nature plays with loaded dice. Yet he goes on playing the game, for experience has taught him that he has an even chance of winning it. When, as in a famine year, he loses it, he stands up to his fate with a pluck that is beyond admiration. And

¹O'Malley, *Indian Civil Service, 1601-1930*, page 102.

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when fate has relented, he goes back to his ordinary pursuits with an equanimity which is also beyond admiration. People call him a fatalist: if fatalism means taking the rough with the smooth, and making the best of both, then he deserves the name.

2. Census

Numbering the people in India is not so simple a matter as it is in Europe. Since less than 9 per cent. of the population can read and write, it will not suffice to hand a schedule to the head of every family, and to leave him to fill it up for the members of his household. A special staff of enumerators must be appointed to go from house to house, and by personal enquiries to collect and record the required information. But the standard of education of these men is low. The schedule is complicated, and in filling it up many mistakes can easily be made. It is accordingly necessary to give the enumerators a careful preliminary training, to supervise them closely whilst at work, and to check their results before they are finally accepted. This involves the creation of a whole hierarchy of census officials. The enumerator is in charge of a 'block' of thirty to forty houses; he is usually a private person, who gives his services free. Above the enumerator is the supervisor, in charge of a 'circle' of ten to fifteen blocks: in the United Provinces, he is almost invariably the *patwari* in the rural areas, and in the towns, a subordinate servant of government or of a local body. Above the supervisor is the charge superintendent, whose 'charge' consists of twenty to thirty circles: in the United Provinces, he is always the *kanungo* in the rural areas, and usually some superior municipal officer in the towns. Above the charge superintendent is the district census officer, who is in executive

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charge of all census staff and operations in the district, under the general control of the district officer; he is always a junior member of the Indian or provincial civil service on the district staff. In charge of census operations in a province is the census superintendent, who is a civilian of ten to fifteen years' standing, and in the larger provinces, usually has a junior civilian or deputy collector as a personal assistant. Finally, in supreme charge of the Indian census is the census commissioner, who is a senior civilian, and usually one who has served an apprenticeship as a provincial census superintendent. And each of them plays his own part in the work of enumeration. The census commissioner lays down the rules that govern it. The census superintendent translates the rules into simple vernacular, draws up the inevitable manual to explain them, and teaches his district census officers how to apply them in filling up the schedule. The district census officer similarly teaches his charge superintendents; the charge superintendent teaches his supervisors: the supervisor, and everybody else who gets a chance, teach the enumerators. There is no make-believe in this course of training: regular classes are held, and a high standard of proficiency is demanded. In 1911, one district census officer in the United Provinces went so far as to start a census night-school for municipal enumerators. And the pupils are as keen as their teachers. Two enumerators at that census turned the rules into verse as an aid to memory, set them to music, and sang them to anybody who would listen. Many are the difficult problems which they propound for solution to their teachers—as for instance, ‘if an enumerator meets a deaf and dumb lunatic wandering about by himself on census night, what does he do?’ The only effective solution of that difficulty that I have ever heard propounded, is that the enumerator should take the deaf and dumb lunatic to the nearest well and drop him in. But that would re-

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duce the population by one, an act of which no census officer would be willingly guilty.

About six weeks before the date fixed for the census, the enumerator goes round his block, and at leisure fills up the schedule for every person whom he finds in it. This preliminary record is examined in detail and corrected by the supervisor, and checked by the charge superintendent, and also by any superior officer who can find time to help. Thus, when the census night arrives, the enumerator has merely to bring this record up to date by cutting out entries relating to persons who are no longer present, and by adding the entries of newcomers. This method ensures a maximum of accuracy, for a vast majority of all entries are thus subjected to the scrutiny of men who are unlikely to miss errors. It is not in the enumerators' schedules that one finds mirth-provoking entries, but in the 'household' schedules, of which a certain number are given to persons who ask for them, to be filled up by themselves in the European manner. One government officer having described his principal occupation, inadequately, as 'service', described his subsidiary occupation as 'playing bridge'. One lady recorded the fact that she was born 'at the sea'—whether she meant 'at sea', or 'at the seaside', is still uncertain. And another lady described her civil condition as 'grandmother'. But the only instance of a ridiculous entry that I can recall in an enumerator's schedule was *khairkhwah sarkar* (well-wisher of government), as an occupation—and the principal occupation at that.

Besides training the enumerating staff, a district census officer has many other tasks to perform. He must draw up a complete register of all towns (with their recognized wards or other subdivisions), of all villages, hamlets, cantonments, railway stations, camping grounds, forest areas—in fact of every place where a human being may conceivably be found on census night; together with an esti-

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mate of the number of houses in each place registered, and a list of literate persons available to serve as enumerators. With the help of this register, he must subsequently demarcate his administrative areas—blocks, circles and charges—and select his enumerating staff. He must see that a number is placed on every house that has not already got one. He must arrange that all census forms are distributed in good time to those who will use them. And finally, when the census zero-hour is drawing near, he must draw up a scheme whereby his final figures may reach him as early as may be from all over the district; for the district census officer whose totals first reach the census superintendent gains much kudos. In the United Provinces, the winner was usually the census officer of Rampur state. But he had an advantage which his rivals in British districts lacked. The Rampur cavalry was galloping with figures all night.

✓ This system of enumeration has several remarkable features. Firstly, a huge number of persons is required to carry it out; for instance, at the census of 1931 in the United Provinces, for the counting of 48,408,763 persons, there were 318,215 enumerators, 29,316 supervisors, 1,194 charge superintendents, forty-eight district census officers, with the census superintendent and his personal assistant—348,775 in all. The second feature of the system is its cheapness. At the same census and in the same province, the cost of counting the people and recording twelve items of information about each person was only £6,371 12s. 6d.—about 3d. a hundred. The reason is that the entire district census staff gave its services free; the majority were unpaid private persons, the minority of some 39,000 officials received not a rupee for their census work, and the only expenditure on pay in the districts was a sum of £500 for a few additional clerks. ✓ A third feature of the system is its amazing accuracy. In 1911, the difference between the total as

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first reported after the census night, and the total as ascertained after a complete check was only .024 per cent.: in 1931, the figure was .028. And with a whole army of census officials picketing the country, the number of persons who escape enumeration is negligible. In 1911, some army officers who spent census-day in a boat on the Jumna, might well have gone uncounted, had not an alert enumerator, on the look-out for passing boats, pursued them for several miles on horseback till they tied up for the night.

Most amazing of all, however, is the goodwill with which the people regard the census, and their readiness to co-operate with government in carrying it out. It was not always so. At the earlier enumerations, the general attitude was one of uneasiness and suspicion. Many thought that the only object of holding a census was to provide a basis for new taxation. Others disliked disclosing the secrets of their zenanas. Even in 1911, I came across a couple of old crones who, by some mysterious process of reasoning, had persuaded themselves that enumeration would lead to early death from plague, which was raging at the time. But such ideas are no longer held. Nowadays, the people are always ready and willing to be counted; there are always more honorary workers than enough to help in counting. It is scarcely an exaggeration to say that the people count themselves, and that government has merely to show them how to do it. Even in 1931, when Congress, in its desire to embarrass government, did its utmost to wreck the census, the census staff, in spite of the venomous abuse and threats to which they were constantly subjected, carried the census to a successful issue.

I need say nothing of the methods of preparing the census statistics, which follow enumeration—a subject as technical as it is dull. The earlier processes are carried out in ‘central offices’, the number of which varies with the amount of work to be done; in the United Provinces, there

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are always eight. Each office is in charge of a deputy superintendent; and as knowledge of census operations is essential, these posts are always given, one to the census superintendent's personal assistant, and the rest to district census officers. The later processes are carried out in the head office under the eye of the census superintendent.

As soon as there is material available, the census superintendent begins to write his report. This involves the preparation of subsidiary statistical tables, and of numerous graphs and maps. The report is usually completed by the end of the calendar year following that in which the census was taken: the whole period, from the beginning of operations in the April preceding the census, is thus two years and nine months. The census commissioner's all-India report follows about a year later.

It has always been the custom in India to combine ethnographical inquiries with census operations. The census commissioner lays down certain general lines of investigation: the census superintendents adapt them to the conditions of their own province, and call for reports from the district ethnographical officers, who are members of either the Indian or provincial civil service on the district staff. To the census superintendent, ethnography is a pleasant relief from statistics: whilst the ethnographical officers acquire useful knowledge of the people and their customs. The Indian census reports thus contain a large mass of valuable ethnographical data: and many of the best-known authorities on the subject—such men as Sir Denzil Ibbetson, Sir Herbert Risley, Sir Edward Gait, Sir Richard Burn and Mr. R. E. Enthoven—have been in their time census superintendents or commissioners. The census of 1921 was the only one when no ethnographical inquiries were made. It would be impossible to give a list of the various subjects that have been investigated; but some of the most important are the subdivisions of castes

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(1891), the social status of different castes (1901), the system of caste government (1911) and the depressed classes (1931).

The taking of the census has now become a regular incident in the routine of administration. Every tenth year a temporary staff is collected, consisting of one expert, the census commissioner at the top, and a vast multitude of amateurs, whose only qualification for the work is their enthusiasm. A few of these—the district census officers, the census superintendents and their office clerks—are full-time. Of the rest a minority, possibly 10 to 12 per cent. of the whole, are district or municipal officers, who cheerfully add the census burden to their other duties. The remainder, some 88 to 90 per cent. of the whole, are non-officials, who undertake their duties out of mere goodwill. Except the census superintendents, the census commissioner and the office clerks, not one of the enumerating staff receives payment for his census duties; all of them, officials and private persons alike, are honorary workers. For several months they submit themselves willingly to a course of strict training, and also to strict discipline, for every step of the census procedure must be carried out literally to the minute. And then, India, one morning in February or March, wakes up to find that during the preceding night its population has once again been counted—a population which in 1931 was over 352 millions, or about one-fifth of the population of the world. In a few weeks the figures are announced in the press, and a few papers write leaders about them. Two years later the provincial census reports are published, followed by the all-India report, after another year has passed. Then articles analysing the figures begin to appear in the daily press or the learned journals. But the daily paper and the learned journal have rarely anything to say about the method in which the census is carried out, or about the

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men who carry it out. All that these men receive in recognition of their work is a treasured order (*parwana*) of appointment, a few words of warm but general thanks in a census report, and in a few—far too few—cases, a *sanad*¹ of thanks from government. But they are content, and do it all over again ten years later. The Indian census has been called a 'triumph of administrative organization'; it is also a triumph of general goodwill. The Indian civil service, which has always been closely connected with the Indian census, has a right to feel proud, not only of the organization, but even more of the goodwill.

¹Certificate.

CHAPTER XII

The Training of the Young Civilian at Home and in India

DURING the 17th and 18th centuries, as we have already seen,¹ the only educational qualification which the Company demanded of its civil servants was a knowledge of commercial accounts. Lord Wellesley, realizing that administrators must possess higher attainments than merchants, founded his college at Fort William to provide them, though the directors cut down his curriculum till it consisted only of oriental languages. Yet within a few years they themselves had founded a college in England, which provided a general as well as a special education, and lasted till 1857, by which time the system of open competition had been introduced, with an age limit (18 to 23), which ensured that most civil servants had been to a university.

For many years, too, the Company failed to recognize the importance of insisting that their servants should acquire a knowledge of Indian languages. Methwold, writing from Surat in 1634, complained that there was only one factor, by name Fremlin, 'who could understand or speak (to be understood) any language but his own,' and described at some length the consequent inconveniences to which both he and Fremlin were put. One must suppose that the factors did pick up some knowledge of the yer-

¹See pages 14, 34.

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macular, but their general ignorance is obvious from their constant misspelling of Indian words and names in their letters, such as 'zarofe' or 'shroff' for *sarraf*, and 'Rashboot' for Rajput; and they probably spoke it much as the British private 'slings the *bat*' today—one word of Hindustani to three of English. About 1675 the Company seems to have taken the matter in hand, for there are occasional allusions to an instructor, who was retained to teach the factors to read, write and speak the vernacular—the prototype of the modern *munshi*,¹ with whose help the subaltern or young civilian struggles to pass his language examination. But the factors seem to have had little profit by his tuition, for few, we are told, earned the 'annuity' which the Company gave to a proficient linguist. It was not till Fort William College was founded that the civilian was provided with adequate facilities to learn the vernaculars. Its professors were famous orientalists. There were regular classes and examinations; and some students must have acquired a sufficient standard of proficiency, for on the annual prize-day there were public disputations and declamations in various tongues—Sanskrit, Arabic, Persian, Hindustani, Bengali and Marathi.² After each disputation, its 'moderator' also made a speech in the appropriate language. And at the end of the ceremony, the viceroy made another, usually a lengthy, oration: one of them, indeed, made two, of which the second, somewhat tactlessly, was in praise of Greek. It must have been an orgy of rhetoric, which few but the participants can have enjoyed—and the prize-winners. For the prizes were valuable: a young civilian named Lovett on one occasion received three degrees of honour, three medals and 4,000 rupees in cash—about thirteen months' pay.

¹Teacher.

²Not, however, all on the same occasion. There were usually three or four disputations and declamations at each prize-day.

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The college course of study at first lasted three years. In 1807, a rule was made which maintained the maximum period at three years, but permitted a student to pass out as soon as he had shown sufficient proficiency in two languages. The period was far too long, for some students succeeded in passing after a few months. But Calcutta was a pleasant place: the student who passed out was sent to some upcountry station, with no amenities: and many took care, by neglecting their studies, to remain their full three years. Failure to pass in the maximum period involved removal from the college; but as the delinquent was merely sent to a station on the same pay as a successful student, it is not surprising that he was usually granted an extension. In 1814, the rule was altered; a student who was removed for failing to pass his examination could draw no more than the student's allowance and was debarred from promotion until he did, by private study, succeed in passing. And at some later date, the rule was again changed, and the unsuccessful student was sent home. This must have been before 1832, for there is a record of two such punishments in that year. In 1841, the period was reduced to one year, though, as Sir George Campbell¹ tells us, it was always possible to obtain an extension on a medical certificate—presumably from 'a venal doctor', such as Morris Finsbury was so anxious to find. In his time, the period spent at college varied, 'according to disposition', from two months to three years. Classes were no longer held: students were allowed to choose their own instructors: and long before Lord Dalhousie abolished the College in 1854, it had degenerated from a seat of learning into an examination-hall.

Periodical examinations were then introduced, which still exist under the name of departmental examinations.

¹*Modern India*, page 269.

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They are governed by rules made by provincial governments. In the United Provinces they include both a written and an oral test in the one prevalent vernacular (Hindustani), and its two scripts (Persian and Nagri); and also written examinations in a number of codes and manuals, which the young civilian uses in his daily routine. He must also undergo a six weeks' training in treasury-work. In some papers, he qualifies if he passes by the lower standard, which (if I remember rightly), is 50 per cent.; in others, he must pass by the higher standard, which is 66 per cent. Once he has secured a pass or a lower standard in all subjects, he is entitled to be promoted to the grade of assistant magistrate of the second class. When he has secured the higher standard where it is required, he can attain the dizzy height of a first-class magistracy. The 'departmentals' occasionally provide humorous situations, especially the *viva voce*. In my time, the candidate had to converse with an educated Indian gentleman (who was usually one of the invigilators), and with a villager, who was caught on the wayside, and induced by a fee to play the part of interlocutor. Once, whilst one of these duologues was in progress, the rest of us heard a shriek of dismay, and looking round to discover the cause, found the villager on his knees before the candidate, vehemently protesting that he was innocent. It then appeared that the candidate had begun by asking him why he had come to Lucknow, and had been told that the villager had a suit in the judicial commissioner's court. Being at a loss how to proceed, the candidate in desperation had asked him if he had bribed the judicial commissioner—to the damage of the villager's nerves.

Before 1784, no limits of age were prescribed for appointment to the Company's civil service. By the India Act of that year, they were fixed at a minimum of 15 and a maximum of 18, which latter was raised to 22 by the Charter

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Act of 1793: but the change can have made little difference, for it is recorded that most civilian students at Fort William College were aged from 16 to 19. The ages of admission to Haileybury were originally those laid down by the same act but before long the college authorities complained that they could do little with boys so young, and in 1833, the ages were changed to a minimum of 17 and a maximum of 20. The latter was raised four years later to 21: and these limits were retained till the college was abolished.

Since the competitive examination was introduced in 1855, there have been no less than eight changes in the age limits. It is unnecessary to state them all: it will suffice to say that the minimum age has varied between 17 and 22, and the maximum age between 19 and 24. But the probationary period passed in England after the competitive examination has also varied: and the ages at which a civil servant arrived in India have ranged between minima of 18 to 23, and maxima of 21 to 25. The arguments advanced for and against a lowering or raising of the age limits have varied, but rather in form than in substance. The advocates of low limits have usually argued that the younger man would be less set in his habits, more adaptable to Indian conditions, and quicker to learn the vernaculars than the older man: the advocates of high limits have usually argued that the older man would have a better general education, and a more developed judgment than the younger man. Other considerations have also been taken into account; the medical and administrative views of the best age for commencing service, for attaining responsible office, and for retirement. Personally, having served both with men who passed the competitive examination when the age limits were at their lowest (17 to 19), and with men who passed when they were at their highest (22 to 24), I doubt whether, in prac-

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tice, there was anything to choose between them, except possibly towards the end of their service.

After the Charter Act of 1853 had thrown open the service to competitive examination, a committee was appointed to advise on the best method of carrying this provision into effect. Its chairman was Lord Macaulay: two of its members were the Rev. H. Melvill, then principal of Haileybury, and the Rev. B. Jowett, well known to Balliol and all students of Plato. Among their recommendations were the abolition of Haileybury: a period of probation for all candidates successful at the competitive examination: and the principle that this examination 'should be so conducted as to ensure the selection of candidates with thorough, and not merely superficial knowledge'. In other words, the committee hoped to defeat the crammer. But it took more than a principle to defeat him. For many years he had a powerful influence on the result of the examination. At the end of last century, he boasted that he could secure for any man who came to him for six weeks an additional 500 marks—generally enough to make a difference of three or four places. And he made his boast constantly good.

Before 1906, candidates could take as many subjects as they chose out of a wide range. The results were unfortunate. Some cut short a university career to take an intensive course of instruction from some crammer. Others mutilated the academic curricula, substituting for the subjects thus discarded other subjects that carried more marks—and again called in the crammer to their assistance. And even men who had taken a first-class degree often went to a crammer for a six weeks' course, wedged in between their final schools and the I.C.S. examination, lest they should be handicapped in the general race for marks. One candidate who had taken a brilliant degree and secured other academic distinctions, was reputed to

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have gone, nevertheless, to a crammer for a whole year, and thereafter to have offered fourteen subjects at the examination. Probably no man of 'double-first' calibre but erected a superstructure of cram on the foundation of his regular studies, or was content with less than twelve subjects; whilst men who should have passed, though lower in the list, worked themselves stale, and failed.

At last, in 1906, the rules were altered so as to prevent any candidate from offering more subjects than would command a total of 6,000 marks. The change was an improvement, for most candidates could offer subjects to the required total without any material departure from the ordinary course of their studies. But even yet, the principle laid down by Lord Macaulay's committee was not fully established: for though the crammer could do less to give candidates a 'superficial knowledge' of additional subjects, he could still give them additional 'superficial knowledge' in their own.

In 1917, a committee was appointed to consider the scheme of education for the Home civil service, which is the same as for the I.C.S. They held that every candidate, whatever course of studies he might have pursued, should possess a sound knowledge of English, a working knowledge of some foreign language, and some knowledge of world affairs, scientific, political, and economic. They accordingly divided the subjects into two sections. One was compulsory, and included the subjects just mentioned, under the names of 'essay', 'English', 'present day', 'everyday science', and 'auxiliary language', to which was added a *viva voce*, with a total mark of 800; the other was optional, being a list of sixty subjects, from which a candidate might take subjects up to a total of 1,000 marks, choosing them according to the nature of his education. In 1936, 'everyday science' was dropped from the list of compulsory subjects, which was as well, since to many candidates it must

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always have been a cram subject; and in 1937 the auxiliary language is dropped from the compulsory subjects, and the maximum for optional subjects reduced to 700, thereby ensuring that whatever course of studies a candidate has pursued, he will be able to offer it without any additional subjects whatever.

The Great War upset recruitment to the civil service. The competitive examination which is laid down by statute was held regularly, but the number of appointments was greatly limited. From 1915 to 1918 there were only twenty-nine admissions, and in the first three years after the war a shortage of 206 had to be made up by special measures. In 1915 an act was passed which allowed ex-service men to be appointed by selection, subject to a qualifying educational test. They were also allowed an age adjustment on account of the period of their military service.

After the reforms scheme of 1919 was introduced, the service, to a large degree, lost its popularity. This was chiefly due to the uncertainty regarding its future. In spite of the provisions which had been inserted in the act to safeguard its members, it was feared that political changes might cut short a civilian's career, and prevent him from earning his full pension. In time this distrust was to some extent dissipated, partly by an improvement in the Indian situation, and partly by propaganda; but with the advent of the new reforms embodied in the act of 1935, recruitment again became unsatisfactory, and in 1936, the secretary of state was driven to reduce the shortage by a scheme of selection of candidates without examination, provided that they had good honours degrees. The result of this change was satisfactory, for 208 candidates sent in their names, apart from those who preferred the usual method of entry by examination, and fifty-six others who elected to try both methods.

For Indian candidates who take the competitive ex-

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amination in India the scheme is much the same. Amongst the compulsory subjects 'general' knowledge' takes the place of 'present day', and a vernacular, the place of an 'auxiliary language'. The total marks for optional subjects is 800 instead of 1,000, but there are two *extra numerum* subjects, British history and geography, of which a candidate may offer one.

The successful candidate has always been required to pass a probationary period of one or two years in England before his departure for India. For candidates who pass the examination in England the period is one year: for those who pass it in India the period was two years, but from 1937 has been reduced to one. During this time the probationer must study certain special subjects, some of which he will require later in his daily routine, some of a more general character. They include various codes and acts, Indian history, the vernacular of the probationer's future province, riding, and hygiene. There are also two optional subjects, one a classical oriental language, and the other Hindu and Muhammadan law (or its Burmese equivalent), of which he may only offer one. At the end of the period of probation he must pass an examination. During the probationary period each British candidate receives £300, and each Indian candidate £350 a year.

The young civilian, having finished his training at home, sets sail for India. Government now is benign enough to pay his passage for him: it was less benign thirty-five years ago. On arrival in Bombay, he will probably find a letter from the chief secretary of his province, directing him either to report himself at the headquarters of a particular district, or at provincial headquarters, in which latter case he will be informed of his district on arrival there. The district will have been selected for him, not because of any intrinsic merits of its own, but because of the merits of its district officer. For the young civilian is always put at first

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under a man who will look after him, and train him in the ways in which he should go. On arrival in his district he will often find an invitation from his district officer to stay with him until he can make his own arrangements. If he is a bachelor, he will generally be content with a room in a hotel, or in the club; or he may share a house with a brother civilian, or with a member of some other service. Sometimes he is made member of a regimental mess.

He will have to provide himself with a bearer, who looks after his clothes and rules the household, and (if his bearer is a Hindu), also a Muhammadan table servant (*khidmatgar*), for no Hindu will wait at table except to serve drinks; a *dhobi* to wash his clothes, and a sweeper. When he sets up a house of his own, he will need more servants: a cook, and possibly a *bhishti*, who fetches water; and also a garden staff, consisting of a gardener (*mali*), and a coolie or two. If he is living in a place where electricity is not available he will also need coolies to pull his fans, (*punkhas*). The punkha-coolie has one advantage over the electric fan, for if he goes to sleep it only takes a couple of seconds to wake him up; but when the electric plant breaks down, it may be a couple of hours before the fan starts working again.

He must also look about him for some means of locomotion. He will certainly need a horse, and may also need a car, or a motor-cycle, unless he has brought that with him. For the car or cycle he can obtain an advance from government, as described elsewhere.¹ And a horse involves two more servants: a groom (*syce*), and a grass-cutter, though if he purchases two horses, one syce with two grass-cutters should suffice.

When he arrives in the country, he will find that in spite of the special course of studies which he has just undergone at home, he has yet much to learn, and possibly a good

¹See page 59.

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deal to unlearn. There used to be a saying that it took a newcomer two years to realise that all his preconceived ideas about India were wrong. He is, in fact, still ill-equipped for his work. He has studied a certain number of codes, but has never seen them carried into effect. He has been taught the language, but will find that the words that he knows do not come trippingly to the tongue. And if he knows another foreign language, he will probably find himself speaking that, instead of Hindustani, just as when he returns home on leave, he will find himself speaking Hindustani to the Marseilles porters instead of French.

And a further course of examinations is still before him, those departmentals which have already been described. His real training begins when he is allowed to try his prentice hand at different branches of administrative work. His district officer will probably first take him to court, or send him to the court of some subdivisional officer, with orders to sit on the bench, and watch proceedings. On the first occasion when I thus sat on the bench, the district officer, who was trying an appeal at the time, and listening to a lengthy discourse from the counsel for the defence, apparently went fast asleep, though he was not as a rule given to somnolence. The lawyer droned on; still the district officer slept. When the oration at last came to an end, he suddenly awoke, dismissed the lawyer with a laconic *hukm pichhe* (order later), and, turning to me, said, 'it did not come off that time—I can usually stop him if I pretend to go to sleep.'

Though the civilian in his life tries many cases, he never forgets his first. He will take the evidence in the minutest detail, and write a judgment that will spare the appellate court no possible argument or point of view. My first case was one in which a wife was accused of having (under the gravest provocation), hit her husband over the head with an iron ladle, thereby cutting it open. My first thought was

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to impose a fine, but I came to the conclusion that in the end the fine would be paid by the husband, and as it seemed unfair to fine a man for having been hit on the head, I gave her seven days. The husband went out muttering 'it ought to have been a full month'—and he only said a month because he knew I could not give a longer sentence.

The young civilian will also, as a rule, accompany his district officer or some subdivisional officer into camp, where he will be introduced to such mysterious persons as *patwaris*, *chaukidars*, *kanungos*, and *tahsildars*; and such mysterious objects as *khasras*, *khataunis*, and history sheets, (which are police records of a bad character's more notable achievements). He will be taken into an Indian village, and told what he ought to look for when there. He will be introduced to the local fauna, which may be a snipe or may be a tiger, but probably the former; and he will be encouraged to practise the vernacular on all and sundry. Sooner or later his district officer will find some real job of work which can safely be entrusted to him. My own first independent job consisted in wandering around all the villages within a twenty mile radius, to see that every house had its proper drainage system, (consisting of an earthenware receptacle for dirty water); for those were the days when it was still supposed that plague was caused by lack of sanitation, and not, as was subsequently discovered, by a flea.

At the end of six months or so, the young civilian will find himself faced by his first departmental examination. He may, though he probably will not, pass all subjects by the lower standard. When he does, he will shortly become an assistant magistrate of the second class; and then his work will become much more interesting. He will begin to try cases under the rent and revenue law, and his criminal cases will be more important. One of the first cases which

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I tried as a second-class magistrate was that of a husband who tried to bite off his wife's nose, and only failed because he broke a tooth. Some six months later the young civilian will find himself faced with his second departmental examination, in which he will endeavour to secure the higher standard where that is necessary. Again, he will probably not be completely successful, for few men succeed in finishing with their departmentals till their third chance. But when he does, he will become a first-class assistant magistrate, and a subdivisional officer. His experiences in that capacity have already been described.¹

But the young civilian must remember from the start that the training which he receives from others is of little importance compared with the training which is obtained by the simple process of keeping his eyes and ears open. He will probably know something of Indian customs from his reading: he must always be on the alert for instances of the working of such customs, always on the alert to discover new ones. There is, for instance, a type of case which he will constantly encounter as soon as he becomes a first-class magistrate. In India, adultery and enticing away married women are both criminal offences, and cases under the appropriate sections, 497 and 498 of the Indian Penal Code, are frequent. Yet there is always something doubtful about such a case. They rarely emanate from the higher castes, but only from the lower; and in most lower castes there is always a caste *panchayat*, or council, which deals with social offences of this kind. It may be taken for certain that if the case is a true one, then the *panchayat* will have given the complainant all the satisfaction that he can possibly require. When such a case comes forward, therefore, the first question that a magistrate should ask is, 'Has the *panchayat* done anything, and if not, why not?' He must also ask for definite proof of marriage, for all 'wives', as the

¹See pages 101 *et seq.*

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term is interpreted by lower castes, are not equally lawful. I have only convicted one such case, and then I could not very well help it, as the accused pleaded guilty. It resembled the famous case of Potiphar's wife, but with a more complaisant Joseph.

There is, again, a well-known custom in India, that the wife of a younger brother must on no account speak to, or even be found in the same room as, her husband's elder brother. On one occasion a case was before me, in which the whole story of the prosecution hung on a conversation alleged to have taken place between two such relatives. I let the woman tell her story, and at the end of it I asked, 'how did you, being the younger brother's wife, come to be talking to his elder brother?' She fainted in the dock, and on recovering consciousness admitted that the tale was false. Doubtless she and the complainant took it for granted that I did not know of the custom. Again, when I was on settlement duty, I came across a custom new to me. It is extremely unlucky to mention the name of a miser before you have had your morning meal, for if you do you are certain to go fasting that day. The district possessed its miser, a well-to-do landlord, and though I often tried to induce his tenants to speak his name, I never once succeeded. If pressed, they would call him by a nickname which was in general use all over the district to avoid the use of his real name.

Even in his household the civilian will occasionally come across instances of curious customs. On one occasion, a number of petty thefts had occurred in my house which had certainly been committed by one of the servants, but it was impossible to discover which was the offender. My bearer then suggested to me that I should try a certain ordeal. The servants were first to be assembled and questioned, and if, (as they certainly would,) all denied their guilt, they were to be made to take an oath to that effect.

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A holy man of some kind was then to be brought on the scene, who would utter a spell over some rice. Each servant was then to be given a handful of the rice and told first to chew it, and then to spit it out, being warned that the rice chewed by the thief would come forth dry and not wet. I refused to try the ordeal on the ground that I could not compel the servants to swear the necessary oath, or to chew the necessary rice. The theory is that fear and excitement will keep back the salivary flow necessary to mastication. This is a very old custom. An instance, belonging apparently to the date 1778, is mentioned in Busteed's *Echoes from old Calcutta*.¹ A case is also mentioned in Fanny Parkes' *Wanderings of a Pilgrim in Search of the Picturesque*,² as occurring in 1824, when the ordeal was successful.

When the young civilian has about two years' service, he will have to consider whether he will remain in the province, or secede to some other department. The renegade has a variety of departments from which to choose. If he is the type of man who likes to annoy his neighbour by prying into his trunks, or cutting his pay bill, he can join the customs or the audit department; or if he enjoys doing—whatever it is that a postmaster-general does—he can join the posts and telegraphs. There is also the political department of the government of India, which corresponds generally to the diplomatic service in England, and is described elsewhere.³ But in all these departments, except the last, the number of English civilians is decreasing, simply because fewer can be spared from provincial duty.

After another three or four years, however, the young civilian will have to consider whether he is to remain in the executive branch, or be transferred to the judiciary. He will generally be asked to state his own wishes, and he should consider his decision carefully. If he remains an

¹Page 118.

³See Chapter X.

²Vol. I, pages 40 and 41.

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executive officer, he will have the chance of running up the direct scale to membership of the board of revenue; or he may be caught up into Simla, where he may possibly rise to a membership of the governor-general's executive council, or even to a governorship. If, however, he elects the judicial branch, then if all goes well he may end up in the high court as a puisne judge; where—according to the view generally accepted by executive officers, but probably libellous—he will draw a large salary, do little work, and enjoy two months' vacation a year.

Should an officer remain in the executive branch, there are a certain number of miscellaneous posts for which he is eligible; for instance, the post of settlement officer, of deputy secretary or secretâry, or the headship of certain departments such as excise, industries, registration, or co-operative societies. He may also be selected as superintendent of the census of his own province; and that is a post which he should certainly not refuse if it be offered, for it will enable him to acquire a mass of miscellaneous knowledge about the people of his province, which will prove of the greatest value to him in his subsequent career.

CHAPTER XIII

Civilian Soldiers

Since 1792, when Lord Cornwallis appointed Captain Alexander Read, with three military assistants (of whom Thomas Munro¹ was one), to settle the land revenue problems of a district in Madras, many soldiers have exchanged army careers for permanent civil employment, for the most part in the non-regulation provinces or the political department. At times, as has already been mentioned,² the practice was carried unjustifiably far; and though some soldier-civilians, like the 'modern major-gineral' in the *Pirates of Penzance*, may have been acquainted either by instruction or intuition with all sorts of matters, administrative as well as 'vegetable, animal and mineral', yet the civilian, who complained about 1833 in verse of the same metre that not all 'colonels of artillery are heaven-born commissioners', had doubtless good reason for his opinion. Nevertheless, some of the greatest names in the history of British India are those of such men; Sir Thomas Munro, Sir Henry Lawrence, Sir James Outram, John Nicholson, Sir William Sleeman, Sir Robert Sandeman, Sir Henry Ramsay are only some of them, and there have been others as famous in more recent times.

But if many soldiers have become permanent civilians, only one civilian, so far as I can discover, has become permanently a soldier. But he, more than any other man, was

¹Afterwards governor of Madras.

²See page 45.

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responsible for founding British India. Robert Clive came out in 1743 to Madras as a writer. In 1746 he served as a volunteer during the siege of Madras by the French, and escaped in disguise to avoid giving his parole. In 1747, being then only twenty-one, he was appointed an ensign in the second company of foot at Fort St. David. 'Be sure to encourage Ensign Clive in his martial pursuits,' wrote the directors, somewhat unnecessarily, in 1748. He reverted for a while to civil employ, but in 1751 was reappointed to the army with the rank of captain, and a few months later seized Arcot—'the first blow which was to lead to British supremacy in India.' A second blow was his 'whiff of grape-shot' at Plassey. But 'the great soldier was also a great civil administrator, and the third blow which he struck for British supremacy in India was a civilian's blow—the treaty with the Mogul emperor, by which he secured the *diwani* of Bengal. And from 1757 to 1767, when he finally left Calcutta at the age of forty-nine, the history of British India is Clive's biography.

But though only one civilian may have adopted permanently a soldier's career, many have, temporarily or occasionally, rendered service which, to a greater or less extent, was of a military nature. As far back as 1675 the Company had insisted that its writers and factors should undergo a military training, and in more modern times it has been the custom for all civilians to take a share in internal defence by joining a volunteer corps. At all times, again, a civilian in the ordinary course of his duty, has been liable to risk, or even to lose, his life whilst resisting armed rebellion or endeavouring to stop violent riots. And finally many civilians, both during the Mutiny of 1857-8, and the Great War of 1914-18, fought as soldiers.

The old volunteer corps were recruited from Europeans and the domiciled Anglo-Indian community. In most provinces there were one or two regiments of light horse, and

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a number of battalions of infantry, There were, I believe, also artillery units at the port towns; and up-country, any infantry battalion that might be required to garrison a fort, as for instance at Allahabād or Agra, was taught to handle guns. To qualify as efficient, a volunteer must attend a certain number of drills and fire a musketry course: and the corps to which he belonged took care that he did so, for the size of its annual grant depended on the number of its efficient members. There was also an annual training camp, which everybody attended who could be spared from his ordinary duties. As might be expected, the monotony of drill during these camps was occasionally enlivened by occurrences not contemplated in military manuals. In one corps of light horse, there was a trumpeter who had learnt a mixed collection of infantry and cavalry calls. On one occasion, whilst the corps was carrying out some sort of exercise, it found itself mixed up with regular troops, who were carrying out some other kind of exercise over the same ground. The trumpeter was ordered to sound a particular call, and selected the infantry one. 'Don't seem to know whether 'e's on foot or on 'orseback,' was the remark of a gunner standing close by. On another occasion a volunteer sergeant, who had attained his rank by seniority rather than efficiency, was in charge of a small party. For some reason known only to himself, he led his men through a thorn hedge into the garden of a private house. Having got them there, he could not think how to get them out again. At last, as they were rubbing their excoriated limbs, they heard the agitated order, 'here's the adjutant. For God's sake, turn round and come home.'

The volunteers were liable to be called out in aid of the civil power, but I have only heard of one case when this was done. Having regard to the stories just related, the reader may be inclined to think it was just as well that

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they were not called out more frequently. But I would have him to know that cases of this kind were unusual, and that the old volunteers were, in fact, quite efficient—for volunteers. At all events they could shoot.

When the Great War began, the volunteers were turned into an Indian Defence Force, in which service was compulsory for all who were under a certain age. This was much more like the real thing. Even those who were exempt by age made a point of not seeking exemption. High court judges, executive councillors, members of the board of revenue, commissioners, secretaries of government, were all to be found in the ranks. In my own platoon, I had one section composed entirely of men who called me 'sir' in uniform, but whom I called 'sir' in mufti.

A civilian member of the Indian Defence Force who was stationed in a small district, could only put in his drills by making periodical visits to the headquarters of his corps; and as by reason of the shortage of civilians during the war he had usually more work of his own to do than he could conveniently manage, he often found it difficult to do the drills demanded of him. I solved the difficulty by getting permission to drill the armed police in my own district, and thus found myself teaching the platoon drill, then new, to the armed police, who still used the old company drill. But it was all good practice, for as a sergeant instructor said to me, 'if you've got to teach platoon drill in Hindustani, you've (adverbially) well got to know it in English.'

The Indian Defence Force came to an end with the War, and has been replaced by the Auxiliary Force (India), or 'A.F.I.' as it is generally known. This is a volunteer organization of the old type, though I believe that it is more efficient.

There are many instances on record of civilians who, in

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the ordinary course of their duties, have risked or lost their lives. One well-known instance is that of Samuel Davis, who was judge at Benares in 1799, where Wazir Ali, ex-nawab of Oudh, who had been deposed by Sir John Shore in the previous year, was then residing. This man rose in revolt against the government, murdered George Cherry, who was the agent to the governor-general, and then with his followers marched to attack Davis; but he took refuge on the flat roof of his house with his family, and from the top of a narrow staircase which led up to it, defended himself against his assailants with a hog spear, till he was rescued by General Erskine and his cavalry. There is also the rising which took place at Kittur in Bombay in 1824, in the course of which two civilians were killed, and two others were made prisoners, but subsequently rescued. A third case is that of Patrick⁹ Vans Agnew of the civil service, and Lieutenant William Anderson, who were killed by the Sikhs at Multan in 1848, an incident which led to the second Sikh war. But perhaps the most notable of all such cases is that of Elphinstone, when he was resident at Poona in 1817. The Peshwa was known to be treacherous. There was every reason to believe that he intended to take the residency, and to cut off the troops in the cantonment. But Elphinstone knew that the governor-general was planning an advance on Gwalior: he also knew that if he made any preparations, or showed any alarm, he would give warning to the enemy that war was inevitable. Accordingly he made no sign; he sent no message to the cantonments, but himself remained awake and watchful all night, listening from his verandah to the tumult in the city close by. He deliberately risked his own life and that of his troops lest he should upset the plans which the governor-general was maturing elsewhere. Next day, when he discovered that the attack was imminent, he moved out to Kirki with a small army of 2,800 men under Colonel Burr,

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was attacked by 26,000 horse and foot, and defeated them.

It is unnecessary to do more than mention the names of later troubles. There were the risings in the Punjab in April 1919, which amounted to open rebellion. There was the rebellion of the Moplahs in August 1921, which lasted seven months. There were all the incidents of 1923, when it was found necessary to call out troops in aid of the civil power on no less than thirty-six occasions. And finally, there were various outbreaks, which began in 1929, at Peshawar, Bombay, Chittagong, Karachi, Delhi and Cawnpore. There have been many times during the last quarter of a century when civilians have had to go armed.

At the time of the Mutiny there were three armies in India—those of Bengal, Bombay and Madras respectively. Of these only the first rebelled, and as a consequence, the Mutiny was localized chiefly in Bengal and Bihar, Oudh, the Central Provinces and the North-Western Provinces as far as Delhi. Accordingly, only that part of the civil service which was stationed in Northern India was affected. The death roll was forty-two in all, or about one-twentieth of the total service; but the proportion, in relation to the Bengal civil service proper, must have been much larger.

Some of the deeds of those whose names are on this roll of honour are worth recalling. There was, for instance, W. C. Watson,¹ who was magistrate of Aligarh. Assisted by a troop of volunteer horse he held on to his district till the 5th July, during which time he kept up a regular patrol in disaffected villages. About the beginning of June the whole of the troop was called into Agra, with the exception of twelve men, including Watson himself and the son of Sir James Outram, who remained at a planter's house six miles from Aligarh to keep communications open, and to

¹His tomb is in the Fort cemetery at Agra.

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watch the Gwalior troops at Hathras. One evening, when they were at dinner, they were suddenly attacked by a rabble of several hundred, whereupon they left their meal, mounted their horses, charged and defeated them, and then went back to dinner. But as soon as the Gwalior troops rose they had to go, and rode into Agra in time to fight at Shahganj on the 5th July. Watson, who was of weak physique, died of cholera in Agra on the 12th.

Another civilian, whose name deserves to be had in remembrance, is J. R. Mackillop,¹ who was joint magistrate at Cawnpore, and was killed in the entrenchment at the age of thirty-one. He made it his special duty to draw water for those who needed it from the only available well, which was under fire. He carried out this duty for several days, and had numerous narrow escapes: at last he was killed. His last words were to beg a friend to go and draw water for a lady to whom he had promised it.

Another case is that of H. E. Cockerell,² who was sub-divisional officer at Karwi in the district of Banda. He held his post there single-handed till he was ordered to return to Banda, forty miles away, and thereby saved the *tahsil* with its records and treasure. When he arrived at Banda, he found that everybody else had fled to Nagod, and was murdered by the rebels. Having been stationed at Karwi myself, and knowing the *tahsil* which he defended, I can vouch for it that his was one of the Mutiny's major feats of bravery. He was only twenty-seven when he died.

There is also the case of R. T. Tucker,³ who was judge at Fatehpur during the Mutiny. The place was attacked by rebels, and as resistance was hopeless, the other ten Europeans who were there abandoned it, and escaped to Banda. But Tucker refused to leave his post on the top of the court-

¹There is a memorial tablet in All Saints' Church, Cawnpore.

²There is a memorial tablet in St. George's Church, Banda.

³He is buried in Fatehpur cemetery.

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house, and killed fourteen men before he was himself killed. He was a man of great generosity, and had earned the affection of many inhabitants of the town; and it is recorded that when the mob returned in triumph from his slaughter, two Hindus reviled them as the murderers of a just and holy man, and were themselves immediately killed.

But of all the great deeds of the Mutiny with which civilians are particularly concerned, the greatest is the defence of a certain small house at Arrah by sixteen Englishmen and fifty-two Sikhs. Amongst the Englishmen were four civilians—Littledale the judge, Combe the collector, Wake the magistrate, and Colvin the assistant magistrate. The house had previously been fortified, and to some extent provisioned, by Boyle, a railway engineer to whom it belonged. The siege lasted seven days, during which time they were repeatedly attacked by guns as well as by rifle fire. Yet they succeeded in keeping their assailants at bay at the cost of one casualty only, till they were relieved by Major Eyre. Herwald Wake, who commanded the garrison, was a descendant of Hereward the Wake, and proved himself worthy of his famous ancestor.¹

Two other civilians, Ross Mangles and Fraser McDonell, earned the V.C. for acts of valour which they did in the course of an unsuccessful attempt to relieve Arrah. The expedition was ambushed, and had to retreat under heavy fire for several miles. Ross Mangles carried a wounded soldier for five miles, for the most part under fire, till he reached a stream, when he swam out to a boat and placed the soldier in it. Nothing would have been known of this deed had not the soldier, after twelve months' search, dis-

¹Hugh, lord of Bourne, married Emma, daughter of Baldwin Fitz-Gilbert, also of Bourne, who, according to Ingulf's Chronicle, was grandson of Thurfrida, daughter of Hereward the Wake. Herwald Wake was descended from Hugh. The family crest is still Wake's famous knot, and their motto *vigila et ora*. See Burke's *Peerage* and Kingsley's *Hereward the Wake*.

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covered the name of his rescuer. McDonell, during the course of the same retreat, managed to get into a boat with thirty-five others, many of them wounded, only to find that the oars had been removed and the rudder lashed. The rest of the story can be told in his own words. 'I got a knife, and climbed up to the rudder. It was one of those country boats, covered in except just at the stern. The moment they (the rebels), saw what I was at, they blazed at me, but God in His mercy preserved me. Two bullets went through my hat, but I was not touched. The rope was cut and we were saved.'¹

The position of civilians in the Mutiny differed from their position during the Great War. In the former they served as soldiers *because* they were civilians: in the Great War they served as soldiers because they were Englishmen. No less than two hundred civilians were given commissions in the Indian Army Reserve of Officers, whilst a few were placed in charge of labour corps. Others secured commissions in British regiments. Many served in the war before they joined the service. Some, who knew French, were appointed interpreters to the Indian troops in France. There were also many civilians, on leave or retired, who put their services at the disposal of the British government at home, and were employed in various home departments. The civil service can claim to have 'done its bit' during those four years; and the 'D.S.O.s' and 'M.C.s' scattered over the pages of the Civil List show that they did it effectively.

The war also had another effect on the service. The number of civilians who joined the army was large; the number of new recruits who joined the civil service was small. The result was to throw on those who, however much they might wish to join up, were not allowed to do so, an additional burden; for besides their own work they had

¹Ball, *History of the Indian Mutiny*, II, page 120.

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to do the work of those who were not there. It was common enough for one officer to hold two or three posts at the same time. I remember one settlement officer, who for several months, in addition to his own duties was doing the duties of an assistant who had received a commission, and the duties of the district officer, who was undergoing a course in military training. He was also responsible for recruiting in the district, for that was a work in which civilian and soldier co-operated. In 1918, district officers were constantly stumping their districts to make recruiting speeches. I know of one of them who travelled in one week several hundred miles to make the same vernacular speech five times.

In a district where recruiting for the army was unusual, it was sometimes difficult to secure the quota of recruits assigned to it. Occasionally, too, men of the right stamp would, for one reason or another, refuse to join up. In one district to which I was attached there was a large military clan of Rajputs, who had fought against government in the Mutiny, and had been deprived of their villages in consequence. For a long while they sullenly refused to enlist, and I had almost given up hope of recruiting any of them, when one day their chief, a very old man, came into my court. He had been hearing, he said, that the King-Emperor was in great need of more men. A Rajput of his clan, even if he had been badly treated by government, could not refuse to help his King when he needed him, especially when men were being enlisted from lower castes¹; and accordingly, though both he and his son were too old to go themselves, he offered me his two grandsons. I accepted the two boys, who were fine strapping youths of twenty and twenty-one.

¹Amongst them were Kurmis, Ahirs, and Lodhs, in the United Provinces; the first and third are cultivating castes, the second is primarily pastoral. Note the distinction drawn between "government" and "King". See p. 119.

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Before they left for the depot that evening they had themselves recruited three chance-met members of their clan. A month later they returned, and I sent them out again to gather recruits from their clan. They came back with fifty men apiece. Next year, having been transferred to the secretariat, I found myself signing, with great pleasure, an order (*sanad*) granting to the clan a number of villages as a reward for the help that they had given.

Recruiting was not the only direction in which civilians rendered assistance, for the war gave rise to many new activities, the direction of which fell very largely to them. Government assumed control of a number of trades, manufactures and industries, partly to organize supplies to the Indian troops serving overseas, partly to exploit the resources of the country, and partly to prevent those resources from finding their way into the hands of the enemy. Wheat, timber, hides, skins, oilseeds and jute (which was needed to make the sandbags which lined the trenches), were all thus controlled. Accordingly, civilians found themselves in many new posts with strange names. There were controllers of prices, of munitions, of hides, wool and cotton cloth, foodstuffs commissioners, wheat commissioners and directors of civil supplies, with, in some cases, boards to match. Some of these were central, some provincial. Every province, for instance, had its own director of civil supplies, whose duty was to arrange for the export to other provinces of such foodstuffs as his province could spare, and for the imports of such foodstuffs as other provinces could spare. He secured his object by controlling the supply of railway wagons; no merchant could move a wagon except on a 'priority certificate' granted by him. The work of this directorship was heavier than that of any other post that I have held. My daily mail bag contained, on an average, six hundred letters, for the opening and sorting of which I had to keep a special clerk.

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And the work was anxious as well as heavy. There was, for instance, one particular kind of grain which, although produced in the United Provinces, was for the most part consumed in Bombay. So much of it had been sent abroad to the troops that it seemed doubtful whether there was enough left to provide seed for the next crop. Until that crop had been gathered I had to stop exports of it altogether.

CHAPTER XIV

Civilian Sportsmen

Wherever an Englishman goes, he takes his games with him. It is not strange, therefore, that many English games are known in India. Racquets was once in vogue, and thirty-five years ago there were courts scattered up and down the country; but the game has now been generally abandoned, though recently squash has taken its place. Badminton was also played, but that, too, has gone out of fashion; there is no need to regret its disappearance, for as played in India, it was suitable only for the more elderly and infirm guests at a garden-party, or for such as were arrayed in purple and fine linen. But cricket, Rugby and association football, hockey, lawn-tennis and golf are all played, as well as polo—but that, of course, was an Indian game before it became an English one. Some of these have stood the climate better than others. Rugby is played by a relatively small number of enthusiasts during the rains, for at all other times the ground is too hard. As for golf, there are many courses in India—Lucknow alone has three; but not more than half a dozen or so deserve the name of links, and except during the rains, Indian golf can only be described in the old phrase, as ‘trying to hit a ball into a hole with a number of sticks singularly ill-adapted for the purpose’.

The games, apart from polo, which have taken firm root in India, are cricket, lawn-tennis and hockey, and, to a

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lesser degree, association football—a game in which the Indian, who is used to going barefoot, is handicapped by his boots. His cricket and tennis are known in England; but he is a more dangerous opponent in an Indian than in an English climate. For his almost preposterous skill at hockey there are two reasons; firstly, that he plays all the year round; and secondly, that the game is played in India at a much faster pace than in any European country. Imagine a ground without a blade of grass on it, rolled smooth and baked to the consistency of a brick by a tropical sun—as hard as a tarmac road and nearly as level. That is the type of ground on which an Indian boy learns his hockey.

Games in India are well-organized. There are numerous competitions for challenge cups at cricket, hockey and football, in which the teams participating usually play on the knock-out system. There is a regular all-India lawn tennis association, with provincial branches, which manage a number of tournaments. And in the old days, there used to be sports leagues in the large cities,¹ the members of which were the local schools, colleges, departmental and private clubs, regiments, and the gymkhana, which was usually attached to the European club. They played each other, not only at one, but at all games—cricket, football, hockey and tennis. The civilian, both as an organizer and a player, has always taken a prominent part in these activities, and in teaching young India how to play English games.

In the United Provinces two meetings of the service, called C.S. 'weeks', are held every year, one in Lucknow towards the end of January, and one in the hill station of Naini Tal in September. During the Lucknow week the principal sporting events (there are also others of a social kind), are racing and a polo tournament. The most im-

¹e.g. Benares and Agra.

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portant race at this meeting is the Civil Service Cup, which is presented from a fund to which all civilians in the province subscribe; whilst a civil service team often takes part in the polo tournament. At one time there used also to be a regular cricket match played between La Martinière College (which is the college called St. Xavier's by Kipling in *Kim*), and a team collected by a senior civilian. On one occasion, the captain forgot to inform his team of the date of the match, and only two players, both civilians, of whom I was one, appeared. But he was not perturbed. He won the toss, and told us to stay in until he had collected the rest of the team. Fortunately, we did.

The Naini Tal week used to be devoted entirely to games. The civil service challenged the 'world' to play them at cricket, association football, hockey, lawn tennis, golf, billiards, and rowing—for Naini Tal has its lake. There was also a polo tournament. Since polo, cricket, hockey and football were all played on the same ground, and both the cricket match and the polo tournament lasted three days each, one sometimes had to play a hockey or football match immediately after a day's cricket, which was an exhausting experience at 7,000 feet. The billiards match was played after the club Saturday dinner, in a hectic and hilarious atmosphere, which severely tested the imperturbability of the players.

The week still remains. Polo, tennis, golf and billiards are still played, but cricket, hockey and football have all gone, for in modern conditions few men have time to play the first, or inclination to play the other two.

Probably few civilians have attained eminence or acquired a high handicap at polo, for they cannot devote sufficient time to the game. But many of them, nevertheless, play it; and I have it on the authority of two soldier players, that the civilian has done a good deal to keep the game alive, especially in the smaller stations where, but

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for them, it might have died out. I remember a district where, because it was under settlement, there were more civilians than usual. Four of them played polo, a fifth was willing to learn, and with the help of three Indian players, they started polo in a place where it had not been played since the previous settlement, some thirty years before. Nowadays, polo is no longer within everybody's reach; the size of the pony has been raised, and its price has risen with it. Thirty-five years ago, polo ponies, and indeed ponies of any kind, could be obtained for less than half their present cost. Nevertheless, it is still possible to get civilian teams together, for the young men are keeping up the polo tradition—and some older men too. In recent times, the I.C.S. team in the United Provinces has always included a commissioner, whilst a certain member of the board of revenue played regularly till he retired.

I cannot resist the temptation to relate the following fable, which, if it is true, shows that polo in India goes back to high antiquity. Once upon a time, there was an Indian princess, who had vowed to marry the first suitor who defeated her at polo, and to decapitate any suitor who tried to do so, but failed. So far, she had always been victorious, and possessed a long row of challenge cups, all in the shape of skulls. One of her lovers was a young noble, who was in great distress because he was no polo player, and accordingly wandered about the country in the disguise of a beggar, as is the custom of love-sick princes in fables. On his wanderings he met an Arabian amir, who, on learning the cause of his unhappiness, offered to play the princess as his substitute. In due course, the two rode on to the ground—the princess attired, somewhat unsuitably, in robes of 'gold and precious stones', with a veil over her face. The princess went off in possession of the ball; but with a back-hander, the amir robbed her of it, and made off in the direction of her goal. Finding that his pony had the

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legs of hers, she raised her veil and called to him to look at her. Her beauty put the amir off his stroke, and the princess again went off with the ball. But the amir, now in serious danger of losing his head, literally as well as metaphorically, recovered himself and the ball, and got his goal. That was the end of the first, and last, chukker. In due course, the princess married the prince, and as she gave up polo, they doubtless lived happily ever after. As the author of this story wrote several centuries ago, it is obvious that polo has been played for at least as many centuries. Ladies still occasionally play. I remember a match between two ladies' teams in Naini Tal, in which one of the players was the wife and another was the daughter of a civilian.

Pigsticking is also an ancient form of sport, which has been pursued by Europeans in India at least as far back as 1800. In those days the spear was used as a javelin, and thrown in a parabola so that it fell on the animal. This had obvious disadvantages, and about 1830, the method of spearing the pig overhand was introduced by a civilian named Mills. The overhand spear is still universally used in Bengal, but elsewhere it is used underhand, like a lance.

It is impossible to describe the type of country in which pigsticking takes place, for it varies in different parts of India. To the pigsticker, any country is pigsticking country where pigs live and horses can go; and such country can be found in most parts of India, except Madras and the Western Punjab. There are 'tent clubs' as far south as Secunderabad, as far west as Hyderabad in Sind, as far east as Calcutta, and as far north as Firozpur and Ambala. But perhaps the largest stretches of pigsticking country are to be found in the river beds, or *kadirs*, of the United Provinces—especially along the Ganges, the Jumna, the Gogra and the Ramganga. Of all tent clubs, possibly that of Meerut, though not the oldest, is now the largest and most famous. It is in the Meerut kadir

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that that well-known pigsticking competition, the Kadir Cup, takes place every year.

The old records contain the names of many famous civilian pigstickers. One of the greatest of these is Mountstuart Elphinstone, already mentioned in other connections more than once. 'He had a quick eye and a ready hand with the hog spear.' As governor of Bombay, he used always to take with him on tour a *shikari* (hunter), whose business it was to secure information regarding the presence of pig. When pig were reported available, Elphinstone would proclaim a holiday, and 'he and his following all went a-hunting that day, and no doubt the next day, too'. Another famous civilian pigsticker was A. W. Cruikshank, who retired as a member of the board of revenue in the United Provinces. He is best known, perhaps, for the pigsticking song which he wrote, of which the chorus is as follows:

*Over the valley, over the level,
Through the dak jungle, ride like the devil :
Hark for'ard a boar, away we go!
Sit down in your saddle and ride, tally ho!*

Other names of equal fame are those of R. B. Simpson, of the Bengal civil service, who killed his first boar in 1848, and wrote a book called *Sport in Eastern Bengal*; and A. W. Forbes, who, as collector of Meerut, first started the Kadir Cup competition in 1865, though in its present form it only dates from 1874. Another civilian of the United Provinces was pigsticking up to the time when he retired at the age of fifty-seven. Finally, it may be mentioned that civilians have won the Kadir Cup twice, in 1896 and 1919, and the Hog Hunters' Cup (which is a point-to-point race, run at the same time), no less than five times, in 1896, 1901, 1914, 1919 and 1920. Here, even more than in the case of polo, the civilian can claim credit for keeping pigsticking

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alive, for the sport has had its ups and downs. It was, for instance, at a very low ebb during the Great War, for the majority of pigstickers are soldiers, and they were occupied elsewhere. Nevertheless, they took their favourite sport with them. During the War, or shortly after, pig-sticking in the Indian method took place in France, Iraq, Persia and on the plains of Troy, whilst there has long been a well-established hunt in Tangier.

India is full of game. Of its two hundred and fifty districts there can be but few where no shooting of any kind is to be had. And in some places, game is so plentiful that a sportsman need not look for it, for it will come to him. It was in such a district that I once shot a black buck and three geese before breakfast, whilst engaged on the usual avocations of a subdivisional officer in the cold weather. The buck came and looked at me from forty yards away, whilst I was examining a *patwari's* records. The geese were part of a flight on passage from the Jumna near by to their feeding grounds, which met me as I was riding from one *patwari* to the next. And that evening I shot another black buck, literally from my tent door. In that district I always took care to go armed.

And the game in India is as various as it is plentiful. The shootable quadrupeds range from bison and tiger, to the black buck, which is an antelope, and the little chinkara, which is a gazelle: the shootable birds range from the florican, the goose and the peafowl to the snipe and the quail. At Christmas in 1934, five guns at a shoot in the United Provinces collected a bag of fifty-five head, which included two tiger, a panther, eleven swamp deer, a hog deer, two crocodiles, two pig (the country, I may say, was unridable), a python, and thirty-five birds—peafowl, duck, black and swamp partridge, quail and snipe—which were all shot on the way home in the evening.

Since sport is not the subject of this book, I refrain from

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stories relating to it. I need only add that shooting in India is not expensive. An arms licence is required, but there is nothing in the nature of a game licence, except the fee that must be paid by those who wish to shoot big game in a block of government forest. Bird shooting is within the reach of all; big game shooting is more expensive, chiefly because it entails the use of beaters, *shikaris* and a few elephants. But in modern conditions, the civilian can rarely afford time for such sport, except during the Christmas holidays.

Amongst civilians there have been some mighty hunters. During my own time I can remember at least two, each of whom could claim a total bag of a hundred tigers or so apiece; and I myself was shooting with another, when he got over fifty brace of snipe in under four hours. He was, perhaps, the mightiest hunter of them all. He had shot in East Africa and Tibet, as well as in India: he was as famous a pigsticker as he was a shot: and he had captured, single-handed, a notorious dacoit, who had committed several murders. Compared with such giants, the rest are relatively puny men; but there can be but few civilians who have not their skins, or heads, or other trophies of the chase to show.

Shooting and pigsticking are not merely forms of sport; they often are, as I have suggested elsewhere, works of agricultural improvement. By killing tigers and panthers, which prey on the cattle, and pig, black buck and geese, which destroy the crops, the shot and the pigsticker are doing the villager a good turn. It is amazing what damage a flock of geese can do when they settle down in a field. They are nearly as destructive as a flight of locusts. In the famine year of 1907-08, I remember visiting a village very early in the morning, and finding one of the few fields with a good crop literally covered with geese. I asked a villager why he did not drive them away. He replied by throwing a large stick which he carried into the midst of them; a few

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geese fluttered where it fell, but not one departed. I sent for my gun from the camp, which was fortunately only half a mile away, and it was not till I had killed fifteen of them that they disappeared. But I was told later that they never came back to *that* village.

Nowadays gun licences for protecting the crops are much more common than they used to be. Nevertheless, the villager is grateful for the help which sportsmen give him, by killing such animals as these. They show their gratitude in a practical manner, by doing all that they can to further the sports by which they are assisted. And they do it gladly, for they themselves have the instincts of sportsmen. Those who have watched a line of village labourers and menials marshalled by petty cultivators who are beating through jungle or *kadir* can bear witness to that statement. At any moment they may be attacked, yet they go as coolly as if they were driving pheasants. I have seen an ordinary labourer in a line of beaters attacked by a panther. As we came up the panther went off; the labourer, though bitten in two places, merely picked himself up and went on with the line. The result is that sportsmen in India are almost invariably on the best of terms with the villagers, over or near whose ground they are hunting. A pigsticking meet, for instance, usually includes a doctor, for it is a game at which many bones are broken. That doctor usually spends a part of his time in supplying free treatment and medicine to such villagers as come to him for help. The civilian who strolls about his district with his gun over his shoulder, talking sport to the villagers whom he meets, is learning to know them; and it cannot be repeated too often that the main duty of any civilian is to know the people. There is at least one ground on which East and West *can*, and do, meet, and meet on the best of terms. And that is the sports ground, whether it be cricket field, or tennis court, or *kadir*, or jungle.

CHAPTER XV

The Civilian and the People

‘The Indian Empire’, says Professor Rapson, in the *Cambridge History of India*, ‘is the abode of a vast collection of peoples who differ from one another in physical characteristics, in language and in culture more widely than the peoples of Europe.’¹

According to the ethnographers and historians, the population of India is an amalgam of numerous racial elements—some of them aboriginal, namely, the Kolarians and the pre-Dravidians, whose affinities, linguistic or ethnic, lie in Indo-China, the Malayan Archipelago and Polynesia; some of them prehistoric, namely, the Aryans, and the race which has left remains of a high civilization in the Indus valley and the Punjab; the rest, historical invaders, from Alexander’s Macedonians in 326 B.C. to Babar’s Moguls in 1526 A.D.

According to linguistic experts, that population speaks twelve principal languages and two hundred and twenty dialects, belonging to four of the main families of speech—the Austric, the Tibeto-Chinese, the Dravidian, and the Indo-European.

It also observes seven principal religions—Hinduism, Islam, Buddhism, Jainism, Sikhism, Christianity, and Mazdaism, the religion of the Parsees; and of these, Hinduism is itself ‘a complex congeries of creeds and doctrines’—

¹*Cambridge History of India*, I, page 37.

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animism and pantheism, monotheism and polytheism, demonolatry and hagiolatry, ancestor-worship and animal-worship, and worship of the forces and objects of nature.

And finally, Hindu society is subdivided into over two thousand castes, varying in social rank from the Brahman, who is reckoned as little lower than the gods, to the *pariah*, who is reckoned as little higher than the animals. The basic principles of caste are endogamy and heredity. A man may only marry a woman of the same caste: their son is born of the same caste as his parents, and all his life must remain a member of it. Very often, a caste is composed of subcastes, which are themselves endogamous, when these principles apply to the smaller section. Thus Hindu society is subdivided into a very large number of mutually exclusive groups.

Every caste, moreover, has its own customs, which it compels its members to obey. The compelling authority in the higher castes is usually nothing more concrete than public opinion, but it is none the less effective because it is indeterminate. But in many castes, there is a regular ruling body, called *panchayat*, whose duty it is to investigate and punish all offences against caste custom. In India, custom is of supreme importance. Hindu law is based on it; 'immemorial custom', says one lawgiver,¹ 'is transcendent law.' Every Hindu is its slave; it rules his every action, almost his every movement. It governs his relations both to God and man, and gives shape to his environment, whether social, or religious, or economic.

India, in short, is a very museum of race, of language, of religion, and of custom. And it is the variety of human types which the civilian will find in India, and the variety of their customs, which makes his work so interesting. Again and again, he will meet in his ordinary routine, either some new kind of man, or some new kind of custom.

¹Manu, *Institutes*, I, 108.

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Let me first give a few instances of the latter, all of which first came to my notice by chance in the ordinary course of my duties.

(1) Killing a cow (*gauhatya*), is as heinous a sin as a Hindu can commit, and the penalty inflicted by a caste *panchayat* is always severe. In 1904, I met in the street of a small town a man who was covered from head to foot in a white sheet, with holes for the eyes. He was driving a cow before him, which he held by the tail, and he was ringing a bell to give warning of his approach, just as the leper did in the middle ages. I asked him who he was, but he would say nothing but *hatya* (guilt). On making further inquiries, I discovered that he had killed a cow, had been outcasted by his *panchayat*, and also sentenced to make a pilgrimage in this guise to the Ganges, a distance of some fifty miles. There he was to bathe, and so purify himself of his sin; and on return he was to feed the whole brotherhood¹ and a number of Brahmans, after which he would be restored to his caste privileges.

(2) In many castes, it is the custom to worship once a year the characteristic implements of the caste's traditional occupation. Rajputs worship their swords; jewellers worship their pincers and blowpipe; bankers, their ledgers; barbers, their razors and scissors; the clerical caste of Kayasthas, their pens and inkstands; and grain-merchants, their weights—which are often very false gods. A classical case is the thug's worship, not, curiously enough, of the handkerchief with which he strangled his victims, but of the pickaxe with which he buried them. In 1910, having called together, in connection with census work, a meeting of *patwaris* who were mostly Kayasthas, I arrived to find only two or three present, all Muhammadans, and was

¹Not the whole *caste*; but all members of the caste who live in one neighbourhood and are subject to the same *panchayat*,—the *biradari* or brotherhood.

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told that the rest were absent because it was the day on which they worshipped their pens and inkstands.

(3) Another instance of this implement-worship is described by Sir Henry Risley.¹ The orderlies of the Simla secretariat set up and worship an altar, which consists of an office-box, on which are arranged inkpots, pens, pencils, stationery, and all the paraphernalia of a writing-table. The whole (with a cynicism which, one hopes, is unconscious), is 'draped with abundant festoons of red tape'. In 1928, I discovered that the same practice prevailed in the secretariat of the United Provinces, though the altar was merely part of the decorations, and not an object of worship. Secretariat officers regularly subscribe to the cost of that ceremony, but I doubt if many of them are aware of its nature.

(4) In a criminal case which I tried long ago, I came across an instance of the type of marriage called 'beena' by ethnologists, when the bridegroom works in the bride's house as a servant for a certain period before he marries her. In India, a marriage of this kind is called *gharjanwai* or *ghardamada*, both terms which mean 'the son-in-law in the house'; and the period is usually three years: it is found amongst certain low castes in the plains, and is common in the hills. The classical instance of a beena marriage is that of Jacob, who served Laban seven years for Rachel, and by a trick received Leah to wife instead. Incidentally, the custom which Laban pleaded as excuse for this substitution is also prevalent in India. 'It must not be so done in our country, to give the younger before the firstborn.'²

(5) A custom, which has become a part of Hindu law, imposes on an heir the obligation to repay the debts of his ancestors. For 'he who having received a sum lent does not repay it', says a Hindu lawgiver,³ 'will be born hereafter in

¹*People of India* (1915), page 235.

²Genesis, XXIX, 26.

³Vrihaspati, *apud* Jagannatha's *Digest*, I, page 334.

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his creditor's house a slave, a servant, a woman or a quadruped.³ In other words, failure to repay debt is a sin; and it is the duty of a man's descendant to save him from the consequences of his sins. He must, therefore, repay his debts; and as he can seldom do so from his own resources, he must frequently borrow a fresh loan to liquidate the old. The amount of such borrowings is considerable. In 1929, the figures collected by the Banking enquiry committee (of which I was chairman), suggested that of the total debt of the United Provinces, about 14 per cent. had been raised for the repayment of ancestral debt.

It is, of course, impossible to give an adequate list, still less an adequate description, of the hundreds of human types which are to be found in India, or even of those that are to be found in a single province. I must content myself with a few examples, which will, however, suffice to show how varied are the human beings with whom a civilian has to deal. The descriptions are all of the men as I knew them in the United Provinces.

(1) There is, first, the low caste cultivator. He leads the simplest of lives. He rises before dawn, offers a prayer to the gods, takes a pull at his *hukka* (hubble-bubble pipe), and as soon as the sun is over the housetops, goes forth to his fields. He works there all the forenoon, with brief intervals for rest, and at midday he returns to a bath and his midday meal, followed by a siesta. But by 2.30, he is back at work till dark; he rarely stays later, for he is afraid of the demons (*bhuts*), which go abroad at night. When he does remain out after dark, he will sing as he trudges home, to drive the demons away. One of the most fearsome of these is the *churel*, the ghost of a woman who has died in childbirth, whose face is beautiful, but whose feet are turned backwards. On his return he sits down to smoke and chat with his neighbours till supper time at nine, and then, after a final pull at his pipe, he retires to rest on his string

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bed. His talk is of the crops, of market prices, of the doings of the villagers, or the misdoings of the local officials. His amusements consist of a visit to the neighbouring bazaar, where he meets friends from other villages, and may buy a fairing for his wife or his children; of an itinerant show, or a religious recitation (*katha*). At times somebody will import a newspaper, and read it aloud under the village tree; but for the most part 'the villager's only intellectual exercise is taken in the mazes of the family lawsuit'. He is often desperately poor—his assets a few pots and pans, a pair of plough-bullocks, a few silver ornaments belonging to his womenfolk. He is generally in debt to the village moneylender, though he borrows no more than he must, and repays as much as he can. His whole life is a ceaseless struggle 'to extort a bare livelihood from an insufficient holding'. But his patient courage, and his power of resistance to calamity, whether it be a famine, or the economic depression which began in 1930, are nothing less than marvellous. I have known him to be down, but never to be out. There has never been much wrong with the peasant's character, and his mentality in recent years has altered for the better. The War and the Montagu-Chelmsford reforms widened his horizon, and he is now not only taking an interest, but playing a part, in public affairs to which he was formerly indifferent. His conduct during the depression is instructive. He had never met trouble of this kind before. It puzzled him, it made him sullen and apprehensive: he saw no way out, and was ready to listen to anybody who could suggest one. On one side were Congress demagogues advising him to refuse payment of his rent: on the other was government, which, with the consent of the landlords, had considerably reduced it. At first he was inclined to take the Congress short-cut; but he quickly realized that performance was better than promise, and returned to his old allegiance. He is also beginning to have a

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sense of the value of a vote. Nowadays, he will sometimes take his troubles to his representative in the legislative council, instead of to the district officer. But when he does there is always one of two explanations. Either he has already tried the district officer and received no redress, in which case he probably does not deserve it; or he has gone to the representative because he understands that government, for some mysterious reason known only to itself, wishes him to do so. He then goes to his member in precisely the same spirit that he would go to the court of a subordinate magistrate, should the district officer have transferred a case of his *theré* for decision. But he still prefers the district officer, for *he* does what is wanted; the member, at most, can only promise to try to get it done.

(2) Let us next take the petty Rajput landlord, whom we will suppose to be of the Bais clan, which is found in Oudh. His historical lineage goes back to the 14th century, but behind that he has a fabulous lineage which goes back into the mists of antiquity, and explains his worship of the snake. He has many traditions of rule and conquest, which are founded on fact; he now owns but a small share in a single village, but his past governs his present, and he must live up to its ancient glories and its ancient prestige. He may not, for instance, touch a plough himself; indeed, he may do little in the way of agriculture except oversee his labourers. Accordingly, the cost of producing his crops is greater, and the crops themselves are less good, than those of his neighbours; where a Jat or a Kurmi, both good cultivators, will grow wheat, he will grow barley. So well is this known, that by virtue of his caste, his cultivation at settlement will probably be valued at 25 per cent. below the circle rates. Like the well-born poor in other countries, he and his family live simply, and even meagrely. But he will—indeed, one may even say that he must—spend money freely on a wedding or other ceremony, for

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on such occasions he is expected to live up to his traditional position in society. And so he is deeply in debt, and the greater part of his debt is wholly unproductive. But it is the debt 'not of an agriculturist, but of an aristocrat'.

(3) Another type is the village moneylender, or *bania*, generally reputed to be the peasant's worst enemy. He is often the village shopkeeper, and sells grain, cloth, spices, sugar, tobacco and other similar commodities, so that a large part of a client's debt is due to purchases on credit. The village *bania* has always existed, and he has always had a bad name for rapacity. As far back as 1660, Tavernier,¹ the French traveller, wrote of him, that he is 'so subtle and nimble in trade, that the Jews might be his prentices'. Rustic wit sharpens itself on him in numerous proverbs: for instance, 'the *bania* goes in like a needle, and comes out like a sword'. His methods are often dishonest. He will, for instance, make his client write a promissory note for a sum larger than that advanced. He will induce him to put his thumb mark (which in India is the signature of the illiterate), on a blank paper, on which he can record such sum as he pleases. He will exact various customary dues before he pays over the money borrowed—a fee for charity, a fee for an offering to the gods, a fee for 'opening his pocket' (*ganth khulai*). He will also charge a usurious rate of interest. On the other hand, he often demands no more security than a promise to pay, or a signature in an account-book; his real security is his knowledge of his client, and if he is a prompt payer, then in all probability he will be content with less than the full amount of interest that is due. Meantime, it is his little capital, rarely more than 1,000 rupees, which brings crop after crop to the threshing floor. And he is ready to share his client's fortunes, good or bad. When the crops fail, and the cultivator must tighten his belt, he tightens his also. Moreover, he is willing to take

¹*Travels*, page 166.

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payment in almost any form for goods sold on credit or money advanced. In one case, a *bania* who had sold cloth, grain and sugar, and advanced a few rupees in cash, took payment, partly in cash, partly in grain of a different and much cheaper kind than that sold, partly in the use of a bullock-cart, partly in fodder for his horse, partly in cowdung fuel-cakes, and partly in a pair of new shoes which his client happened to be wearing, and he happened to covet. The cultivator may gird at him, but he cannot do without him; and he knows it, and at times will even admit it.

(4) Next comes a forest tribe, which I have chosen because I myself met it for the first time only a few months before the end of my service. The Tharu lives in the sub-montane forests on the border of Nepal. Nobody knows his origin; by the look of him, he is probably descended from some Dravidian tribe that at some time intermarried with Mongolian hillmen. His marriage customs are of the most primitive kind. He is an animist, worshipping a host of ghosts and demons. He is also noted as a sorcerer; whilst an unmarried girl, if she has reached the marriageable age, is popularly supposed to have the evil eye. His occupations are hunting, fishing, grazing cattle, the collection of forest produce, and elephant driving, at which he is reputed to be skilful. What little cultivation he does consists of sowing cheap grain in a patch of jungle which he has cleared by burning. But he is extremely honest; a Tharu would never think of abandoning a house without leaving behind him the money for his rent tied up in a rag. If you want to please him, give him a few empty cartridge cases—I believe that he uses them to make ornaments for his womenfolk. The larger the cartridge case the better he will be pleased; he will greatly prefer that of a 500 express to that of a 303.

(5) The army or police pensioner, even if he has never attained a higher rank than that of *naik* (corporal), is always a man of some little mark in his village, unless his

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village is full of pensioners, as many are in the Punjab. He always has some influence, and generally uses it for good. He thoroughly believes in the *sarkar*, and is apt to get impatient when wandering agitators preach against it. But it is better not to enquire too closely about his methods of dealing with such, for they are occasionally somewhat drastic. I remember a pensioner confessing, in a somewhat shamefaced manner, that he had silenced a demagogue by throwing him into the canal, adding regretfully, 'he could swim'. You can always tell him by the military salute that he will give you, and very often by the medals that he wears tied by a string round his neck. If you want to please him, take note of the medals, and get him new ribbons; you may also have to give him a coat to which to pin them. When the pensioner is a commissioned officer—*jemadar*, or *subadar*, or *risaldar*¹—he will be a man of note, not only in his village but in the district. You will meet him in public at darbars and garden-parties; or in private, when he comes to call. He will be dressed in uniform, with sword and medals. As he enters the room, he will stop at a convenient distance and salute; he will then move forward a pace or two, bring his sword to the front, half draw it, and hold it out to you that you may touch its hilt. When you have done this, he will rap it home in the scabbard, salute a second time, shake hands, and wait to be offered a chair. Always keep an Indian Army List by you, for he loves to talk of his old regiment, and will certainly ask you for news of it. And if you ask him for news of his neighbours, you may be sure that you will get the truth unembroidered, for in the army he is taught to speak straight as well as to stand straight. It was such a military pensioner who first gave the district officer information of that Bhikari, who has been mentioned in a former chapter.² The pensioner,

¹The first two are infantry officers; the third, cavalry.

²See page 117.

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in short, whatever rank he may have held, is as valuable an adviser as he is a welcome visitor to the district officer.

(6) Lastly, there is the politician. Fifty years ago, when people used to talk of the *vakil ka raj* (the rule of the lawyer), he generally belonged to that profession, and ruled not only the law-courts, but also the local bodies and the legislative councils. But politicians of the new school, such as came into existence with the Montagu-Chelmsford reforms, belong in private life to all sorts of callings—landlords, merchants, industrialists, journalists, professors, as well as lawyers; and they also belong to all sorts of political ‘parties’—if that name can be given to small groups, few of which have any constructive policy, which differ from each other only in the extent to which they are prepared to support government. In 1935, for instance, in the United Provinces council, consisting of one hundred elected members, there were no less than six such parties, one of which was always in opposition, one almost always in support, whilst the rest either opposed or supported according to the merits of the measure or the personality of the member of government in charge of it. But all alike had a common characteristic—they looked forward to *swaraj*, the government of India by Indians, though they did not all give to the term the same meaning.

Since 1919, there has been a succession of communal, political and economic troubles. I need not mention them, for a list has been given elsewhere.¹ As a consequence of this, the feeling amongst extremist politicians has, through this period, been one of bitter animosity; and even amongst the moderate politicians there has been a feeling of constantly recurring irritation. There has possibly been no time, even after the Mutiny, when the British government has been more hated than during the last sixteen years. But curiously enough, the Indian’s hatred of the

¹See page 115.

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system has rarely been accompanied, even amongst extremists, by a personal dislike of the British officers who have to work it. For instance, the late Pandit Motilal Nehru, once a Congress leader, has written as follows: 'Strange as it may seem to some, I have found the sundried bureaucrat to be the most charming fellow in the world once he has put off the bureaucratic mask which is so indispensable a part of his official kit.'¹ And Sir Harcourt Butler, in his book *India Insistent*,² has written thus of the Pandit—'One of my best friends was the late Mr. Motilal Nehru, for many years leader of the Congress movement. He broke the law, and I ordered his prosecution, but even then there was no malice, for he sent me a message, that had I known my law better I could have got him eighteen months instead of six. He was a great gentleman and a loyal friend, whom I shall always bear in affectionate remembrance, whilst lamenting his political apostasy.' Again, Pandit Jawaharlal Nehru, son of Pandit Motilal Nehru, has some interesting remarks in his *Autobiography*³ on the relations between Englishmen and Indians. 'An average Englishman', he says, 'if he was frank, would probably confess that he knows some quite decent Indians, but they are exceptions, and as a whole Indians are a detestable crowd. The average Indian would admit that some Englishmen whom he knows are admirable, but apart from those few the English were an overbearing, brutal and thoroughly bad lot. Curious how each person judges of the other race, not from the individual with whom he has come in contact, but from others about whom he knows very little or nothing at all.' If I may say so, I think that his estimate of the Englishman is an understatement. I can think of none who would not freely admit that he knew *many* 'quite decent' Indians, and that though

¹Quoted in O'Malley, *Indian Civil Service, 1601-1930*, page 204.

²Page 17.

³Pages 346-7.

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there were, no doubt, detestable Indians, they were exceptional. For myself, I can remember, like Sir Harcourt Butler, members of the extremist party whom I bear in affectionate remembrance, and whose views I could understand, however much I might deplore their methods of giving effect to them.

As for the moderate politicians, I can assert, without fear of contradiction, that there has generally been good feeling between them and the British officers with whom they came in contact, and that the good feeling grew with time. The most determined opponents inside the council were often close friends outside it, and a visitor who had only listened to the debates would be staggered by the goodfellowship which he would see in the lobbies. I have known such a politician to carry friendship so far as to warn his official opponent of an attack that he was about to make on him—and not once, but many times. I have similarly known an official member to provide his political opponent with material to be used in attacking himself. One of my own warmest friends was the accredited leader of the opposition. Many a time, after each of us had taken his share in a bout of wordy warfare, we have wandered out of the arena together, to smoke a peaceful cigarette in company. The reason is not far to seek. British and Indians were co-operating in pursuit of one common aim, namely, the welfare of their province. Let me once again quote Pandit Jawaharlal Nehru's *Autobiography*.¹ Speaking of the relations between Englishmen and Indians, he says, 'what a great gulf divided the two races, and how they distrusted and disliked each other. But more than the distrust and the dislike, was the ignorance of each other, and because of this each side was a little afraid of the other, and was constantly on its guard in the other's presence.' I suggest that the distrust and the dislike are

¹*Loc. cit.*

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born of the ignorance. When two persons are interested in a common object, they must sooner or later arrive at an understanding of each other. The friendliness between European and Indian members of council was simply due to the disappearance of their mutual ignorance, and with it, of their mutual distrust and dislike.

In recent years Indian womanhood has begun to come from behind the *purdah*, and is already taking part in many forms of public life. There is, for instance, the Woman's Indian association, which was set on foot in Madras in 1917, one of whose aims is to secure the adequate representation of women on public bodies. There is a National council of women in India, started in 1925, which devotes its attention mainly to social reform, and to putting Indian women in touch with women of other countries. And there is the all-India woman's conference, started in 1926, which concerns itself chiefly with the promotion of education and the welfare of women and children. Indian women are also giving their assistance freely to such associations as the Red Cross and the Girl Guides. They go into society, and are starting their own social clubs. They are, moreover, beginning to take part in politics. They are now enfranchised, on the same terms as men, throughout British India. In 1927, a lady was nominated a member of the provincial council of Madras, and was also chosen as its deputy president. In the United Provinces, there are some who are members of local bodies, whilst at least one is chairman of the district board of her own district. Another was nominated by government to be a member of the legislative council, and when she rises to speak, everybody rushes to hear her, which is more than can be said for all M.L.C.s. On one occasion the president, who had placed her on a panel of chairmen, whose duty it was to take his place when he was absent, put her in the chair. The news got abroad, and everybody flocked into council.

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One member after another rose to speak, merely for the pleasure of addressing an Indian lady sitting in the presidential chair of an Indian council. One unfortunate wight, who in his emotion had addressed her as 'sir', had to endure a general shout of 'madam'. After a while, the situation became somewhat embarrassing to a 'chairman' whose duty it was to keep members to the point, for every speaker rose for no reason but to pay her a compliment, and not one was speaking to the question before the House. Indeed, I myself, and I think many others, did not even know what the question was. But she was equal to the occasion. Knowing that after lunch the president would return to the chair, she adjourned the House fifteen minutes before the proper time, to the great amusement of those who had spoken, and the great disappointment of those who had not. The Indian woman's charm of manner, her intelligence, her *savoir faire*, and, may I add, her delicate beauty, have opened the road for Indian women into the hearts of all the new friends, English and Indian, whom they have now made. India so far has deprived herself of the services of half her population, and that proverbially the better half. There is no doubt whatever that Indian women, now that they have come into the light of day, will do a great deal for their country.

In dealing with the peasantry, the civilian has a long tradition to guide him. It can fairly be said that relations between British officers and Indian villagers have always been marked by sympathy and goodwill. As far back as 1769, the instructions issued to the supervisors¹ who were appointed in that year breathe an admirable spirit of humanity. They were told that their principal duty to the cultivator was to 'stand between him and the hand of oppression'; to be 'his refuge and the redressor of his wrongs'. Again, during the twenty years from 1773 to 1793, when

¹See page 37.

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the Company was striving to establish some suitable system of administration in Bengal, it was from those of their servants who were in closest touch with the cultivator—collectors and members of provincial councils—that came the most useful suggestions for alleviating his distress. It was they, and others like them, who established the tradition that the district officer must be mother and father (*ma bap*), to the people under his charge.

In some ways those early civilians were better fitted to play such a role than their modern successors. Some of them had taken to themselves Indian wives, and had learnt much of the customs of the people from them. Others never went home at all, but were content to make India their permanent home. One of these was W. A. Brooke, who came out in 1768, and died in 1833 at Benares, being then eighty-one years of age. Another was G. P. Thompson, who died at Agra in 1849 after thirty-four years' service entirely spent in India. Even in the 20th century, one senior civilian during a long career took only one day's furlough, apart from privilege leave¹; and, according to popular report, he took that day merely because a steamer arrived a day late.

Again, many of the pre-Mutiny civilians belonged to families with long traditions of Indian service. To mention only two instances, there were during the Mutiny no less than seven members of the Thornhill family all serving in the North-Western Provinces at the same time, whilst five La Touches are buried there; a sixth was its lieutenant-governor from 1901-06, and a seventh is still serving in Burma. Such men when they came out, not only had ready-made friends, Indian as well as English, but were aware (for their fathers had declared it unto them), of

¹In those days, privilege leave was leave on full pay earned at the rate of one month a year, of which three months could be added to furlough, which was on half pay.

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their obligations to the people. The breed is not yet extinct. In the United Provinces alone, I know of two officers whose families have served in India since the 18th century; and between 1928 and 1931, no less than five young officers were appointed to that province, all of whose fathers had served in India before them, and in three cases were still serving when their sons came out.

Lastly, in those days, there was far more touring than there is now. Not only the members of the district staffs, the commissioners, the members of the board of revenue, but the governor or lieutenant-governor himself, with all his secretaries, went camping among the people. And even today, the governor's only postal address is 'Governor's Camp', with the addition of the province. But nowadays, the district officer himself often finds it difficult to leave headquarters for any length of time. Often, too, when he does go out, his main object is merely to bring himself abreast of his office work. Lord Linlithgow said in a broadcast speech to the address of district officers, 'in growing degree the ever-rising tide of office work has hampered you in the performance of your first and foremost duty, that of maintaining yourselves in close personal touch with your villages'; and declared that one of his first duties would be to discover how 'you may be relieved, at least in the touring season, of some part of your desk work, and thereby be given the opportunity to devote more of your time to touring'. That statement must have been welcome to every district officer in India.

There is no similar tradition to guide a civilian in his relations with the better classes. From time to time, there has been some measure of *rapprochement* between them and European officers. In the time of Hastings, for instance, Englishmen began to show an interest in Indian culture, to make friends with pandits and maulvis on terms of social equality, whilst the English officer in his solitary upcountry

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station, took refuge from solitude in Indian society. Again, about 1835, the educational policy of Bentinck and Macaulay, of Ram Mohan Roy and David Hare, once again brought the two races into friendly relations; though, whereas in Hastings' time there had been a tendency for the Englishman to become orientalized, the tendency was then for the Indian to become westernized. And in the present day the two races are again approaching nearer to each other, because both, as a result of the Montagu-Chelmsford reforms, have now certain interests in common. They may travel by different paths, but the paths meet, and having met, lead to a common goal. The door of understanding has now been opened in the wall of mutual ignorance and social exclusiveness which formerly divided the two races.

CHAPTER XVI

The Civilian of the Future

THE dyarchical system of 1919 has now been replaced by a federal system, which is embodied in the Government of India Act of 1935. The general scheme of the new constitution is simple enough—namely, a federation consisting of governors' provinces, chief commissioners' provinces, and Indian states, and comprising not only British India but all India. Further, as from April 1937, the governors' provinces become autonomous, with a fully responsible government. These provinces, including Sind and Orissa, now number eleven: for Burma has been severed from British India, and has received a constitution of its own.

There has here been no break with the past. Provincial autonomy is the natural outcome of a 'steady process of devolution of administration from the government of India to the provincial governments', which had been going on since 1872. Responsible government was the natural outcome of dyarchy. Both the authors of the Montagu-Chelmsford reforms and the Simon commission looked forward to a future federation, though neither expected that it would come into existence so early. For this, the credit is due to the states, whose delegation at the first Round Table Conference in 1930, 'made an electrifying announcement in favour of federation within the empire'.¹ But they also made certain conditions. Entry into the

¹*Political India*, Chap. XIV, by Sir Robert Holland, page 266.

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federation was to be at the discretion of the ruler. Each ruler, by voluntary treaty with the Crown, was to delegate to the federal government only such of his powers as he saw fit. All his other sovereign powers and treaty rights were to be safeguarded and maintained intact. And all matters relating to the ruler personally or to his dynasty were to be reserved for decision by the viceroy as agent to the Crown.

All these stipulations have been covered by the act. The ruler who would enter the federation must execute an 'instrument of accession', specifying precisely the matters regarding which the federation may legislate for his state, which document becomes binding on him when His Majesty has signified his acceptance of it. The act has provided for the appointment, not only of a governor-general for British India, but also of a representative of His Majesty 'for the exercise of the functions of the Crown in its relations with Indian states'; and though one person may hold both posts, their duties have been separated. Thus all that host of matters which remain outside the federal sphere, including those which affect the ruler and his dynasty, have been reserved for decision not by an agent of the Crown, but by a representative of the King-Emperor. To the prince, that is not merely a change in name: it is the substitution of a person for a symbol, and the Indian prince, like the Indian peasant, prefers authority in human shape. This change, as the Indian states committee suggested, may hasten the entry of the states into the federation. And under the act, it is on them that the beginning of federation depends; for when as many rulers have acceded to it as command half of the total voting power allotted to the states in the upper federal chamber, and also possess half of the total states population, it 'will become lawful' for His Majesty to declare that the federation is in being. The time has not yet

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come, but there are indications that it may not be long delayed.¹

The new constitution is beset with difficulties. Responsible government in an autonomous province is well enough as an ideal: but what of those political traditions and habits of mind, what of the party organization, which are essential to the working of a responsible government on the English model? 'In their place,' said the joint committee, 'we are confronted with the age-old antagonism of Hindus and Muhammadans, representatives not only of two religions but of two civilizations, with numerous self-contained and exclusive minorities, all a prey to anxiety for their future and profoundly suspicious of the majority and of one another, and with rigid divisions of caste, itself inconsistent with democratic principles.'² New English wine has been poured into old Indian bottles, and there must be safeguards against their bursting—safeguards placed in the hands of a strong executive authority. There are equally serious difficulties in an all-India federation. It will be composed of dissimilar elements—of democratic provinces and of autocratic states and of chief commissioners' provinces still under bureaucratic control. In many respects the interests of these federated units are, or may become, conflicting. Again, so long as the defence of India depends in part on British troops and the British navy, the portfolio of defence and that of external affairs, which are so closely connected with defence, must remain under the control of authorities responsible to the British parliament; and so in respect of these two subjects, together with ecclesiastical affairs (which relate to the religious needs of British troops and officers in India), there must perforce remain an element of dyarchy in the federal government. And lastly, safeguards against a

¹Written in 1936.

²*Report*, Vol. I, Part I, page 11.

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breakdown of the constitution are as necessary in the federation as in the provinces.

As might be expected, the constitution is full of intricacies, and the act is as complicated a piece of legislation as has ever been passed. Fortunately, there is no need to describe it in any fuller detail than will serve to show its probable reactions upon the civil service. And in especial, no further reference need be made to the states, which are responsible for most of the complexities of the constitution; for the political department has been left entirely unaffected by the act.

The chief executive authority in a province is the governor. To 'aid and advise' him, he has a council of ministers, normally members of the legislature, whom he himself appoints, and may dismiss. He generally acts on their advice; but there are a number of matters in respect of which the act requires him to 'act in his discretion', or to 'exercise his individual judgment' (which for convenience I will call his 'discretionary functions'). In these cases, though he generally consults his ministers, the final decision rests with him. He has certain 'special responsibilities', of which the most important are the prevention of any grave menace to the peace and tranquillity of the province, the protection of the rights and legitimate interests of minorities, and also of government servants, whether active or retired, and of their dependants. He has also certain discretionary functions in connection with law and order; he appoints an advocate-general for giving legal advice, he alone may make rules affecting the organization and discipline of the police; and with the object of combatting sedition or terrorism, he may declare that he will exercise any of his functions in his discretion—for instance, he could in these circumstances take over from the minister concerned the control of the police. In the exercise of his discretionary functions, he is governed by

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any directions that he may receive from the secretary of state.

The subjects with which administration is concerned have been arranged in three legislative lists, one federal, one provincial, and one 'concurrent'. The last-named includes matters which concern the provinces, but regarding which federal legislation may be required, either to preserve uniformity, or to regulate matters, such as cattle disease, which interest more than one province, or to give a lead in such matters as labour legislation. The other two lists are mutually exclusive: only a provincial legislature can make laws, and only a provincial executive can exercise authority, in respect of any subject in the provincial list. In six provinces (Madras, Bombay, Bengal, the United Provinces, Bihar and Assam) the legislatures have been made bicameral; the lower and upper chambers are called 'assemblies' and 'councils' respectively. The membership of the lower chambers has been greatly increased: whereas the old councils had in all 935 members, of whom 719 were elected, the new assemblies have 1,585 members, all elected. The councils have between them 225 elected members, with not less than twenty-nine or more than thirty-eight members who are nominated by the governor. The composition of the legislatures is complicated: besides general seats, there are seats for minorities (Muhammadan, Sikh, European, Anglo-Indian and Indian Christian), and special interests (commerce and industry, landholders, universities and labour). The general and minority seats include seats reserved for women; the general also include seats for the depressed classes. The life of the assembly is five years: the council is a permanent body, one-third of whose members retire every year. The franchise has been greatly extended: the total electorate for the lower chambers is estimated at thirty-five millions, as against some 7½ millions under the former constitution.

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In a unicameral legislature, the procedure in respect both of legislation and supply does not differ materially from that of a council under the dyarchical constitution. In a bicameral legislature there are a few changes due to its nature: for instance, the governor may summon the two chambers to a joint sitting when the passage of a measure is being seriously delayed, whilst though financial bills are considered in both chambers, demands for grants are laid only before the assembly. Finally, certain items have been added to the provincial list of non-votable expenditure prescribed by the Act of 1919, which is now described as 'expenditure charged on the revenues of the province'—namely, the expenditure required for excluded areas and the high courts, and the salaries of ministers.

The governor's powers in legislative matters have been extended. He can send messages to the legislature for consideration; and in consultation with the 'speaker' of the assembly or the 'president' of the council, he can regulate procedure in respect of his discretionary functions. He can no longer certify a bill as necessary to the discharge of his responsibilities: but with the concurrence of the governor-general, he can, to facilitate the discharge of his discretionary functions, pass permanent 'governor's' acts, which have the same validity as if passed by the legislature. He can also make ordinances having the force of law—either when the legislature is not in session, in which case the ordinance must be laid before, and may be rejected by, the legislature when it reassembles: or at any time, when they are necessary for the discharge of his discretionary functions. Ordinances of the latter kind require the sanction of the governor-general, and are in force for six months; they may be extended for another six months, but such extension must be reported to both Houses of parliament through the governor-general and the secretary of state. In respect of supply for departments connected

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with his special responsibilities—the police, for instance—he can restore grants that have been refused or reduced by the legislature. And finally, should the constitution break down, he may issue a proclamation declaring that he will thereafter carry out all his functions in his discretion—in other words, he will take over the entire administration. Such a proclamation must have the concurrence of the governor-general, must be communicated to the secretary of state, and laid before both Houses of parliament, and remains in force only for six months. It can be renewed by a resolution of both Houses, for not more than twelve months at a time and for not more than three years in all. Thereafter, government as prescribed in the act must be resumed.

The governor's special powers are extensive. But they are merely safeguards against the commission of administrative or legislative errors such as would have serious results. Nor is it to be supposed that because for certain matters the governor has special responsibility, the ministers for those matters have no responsibility; on the contrary, if in respect of them the ministers exercise their judgment rightly, the governor need not exercise his judgment at all. And if ever the constitution should fail, administration will none the less continue.

As already stated, there is an element of dyarchy in the federation; and I deal first with the 'reserved' subjects. These are defence; external affairs, other than the relations between India and any other of the British dominions; and ecclesiastical affairs. Defence includes the raising of naval, military and air forces in India, and the governance of His Majesty's forces on the Indian establishment. External affairs includes the exercise of all rights and authority exercisable by His Majesty, by treaty or otherwise, in the tribal areas along the north-west frontier. For administering the reserved subjects, the governor-general may ap-

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point three counsellors, whose conditions of service will be determined by the King in council. There will be consultation between counsellors and ministers in respect of the reserved subjects, and especially of the defence estimates. There is also a commander-in-chief in India (not, be it noted, British India) whose views on defence matters must be obtained and, if he so desires, communicated to the secretary of state. These reserved subjects, of course, are amongst the governor-general's discretionary functions.

The chief executive authority of the federation is the governor-general. He too, is 'aided and advised' by a council of ministers: he too, has his discretionary functions and his special responsibilities, which are, *mutatis mutandis*, the same as those of the governors, with certain others, of which two are specially important—namely, the safeguarding of the financial stability and credit of the federation, and the securing that the discharge of his discretionary functions is not impeded by any action taken with respect to any other matter. In respect of the former of these two responsibilities, he has power to appoint, in consultation with the ministry, a financial adviser to assist both him and them; the latter enables him, for instance, to insist on the maintenance of roads of military importance.

The federal legislature consists of a lower house, called the federal assembly, and an upper house, called the council of state. The membership of the assembly is made up of 250 representatives of British India, and a maximum of 125 representatives from the states: the corresponding figures for the council are 156 and 104. The system of election of members from British India is complicated: all that need be said of it, however, is that for the assembly it is indirect, and for the council, mainly direct but partly indirect. In the matter of supply, there is a striking dif-

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ference between the federal and provincial legislatures: in the former, demands for grants are laid not only before the lower house, but also before the upper house. There is also a difference in the non-votable items of expenditure, which are charged on federal revenues; for in addition to the items corresponding to those in the provincial list, there are the salaries and allowances of the counsellors, the financial adviser and his staff, the chief commissioners of provinces, the salaries and pensions of federal court judges: expenditure on reserved subjects, which in the case of ecclesiastical expenditure is limited to forty-two lakhs exclusive of pensions: and sums payable in respect of the Crown's functions in its relations with the states (which includes the salaries and other expenditure of the political department). There are also a number of provisions due to the presence of the states in the federation. But in other respects, including legislative procedure, there is no important difference between the federal legislature and the bicameral legislature of a province: nor between the governor-general and the governor, in respect either of his relations with the legislature, or of his emergent powers of legislation.

The act provides for some important changes in the judicature. Firstly, a federal court has been established to be 'the interpreter and guardian of the constitution, and a tribunal for the determination of disputes between the constituent units of the federation',¹ or between the federation itself and one of its units. It has original jurisdiction in respect of such disputes as involve any question of law or fact on which the existence or extent of a legal right depends. It also has appellate jurisdiction from any high court, if the latter certifies that the case involves a 'substantial question of law as to the interpretation of the act or any order in council made thereunder'. With the pre-

¹Joint committee, Report, Vol. I, Part I, page 193.

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vious sanction of the governor-general, the federal legislature may also invest it with power to try appeals in ordinary civil cases from high courts, subject to certain restrictions regarding the amount at issue: in which case, it would take the place of the privy council. The federal court consists of a chief justice, who must be a barrister of fifteen years' standing, and not more than six puisne judges, who must have been either a high court judge of five years' standing, or a barrister, advocate, or high court pleader of ten years' standing. Appointments are made by the King, and conditions of service determined by the King in council. Secondly, the constitution of the high courts has been modified. The maximum number of judges, together with temporary additional judges, is in future fixed for each court by order in council. A puisne judge must be a barrister, advocate, or high court pleader of ten years' standing: or must have served for three years as a district judge, or for five years as a subordinate judge, or judge of a small cause court. A chief justice must be, or have been when he was first appointed to judicial office, a barrister, advocate, or high court pleader, or have served three years as a puisne judge. This last provision throws the post of chief justice open to members of the Indian civil service. On the other hand, the old rule that at least one-third of the judges must be barristers or advocates, and one-third must be members of the Indian civil service, has been abrogated, on the ground that it often caused practical inconvenience (as, indeed, it did). The change, however, is not likely to prejudice the civilian's chance of obtaining such a post, for not only does the joint committee emphasize the desirability of continuing the practice of appointing civilians, but the appointments are made by His Majesty by warrant under the sign manual.)

Appointments to the post of district judge—a term which includes additional and assistant district judges, sessions

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judges, additional and assistant sessions judges, chief judges of a small cause court, and chief presidency magistrates—are made by the governor, after consulting the high court: their postings and promotions, however, are for the governor in the exercise of his individual judgment. This, in fact, merely reproduces the present practice.

The act brings the council of the secretary of state to an end. It is replaced, however, by a body of advisers, not less than three or more than six in number, of whom at least one half must have served in India for at least ten years as servants of the Crown, and not have quitted such service more than two years before their appointment. The secretary of state must obtain the concurrence of his advisers to all rules that he proposes to make and orders that he proposes to pass regarding members of the services, including the Indian civil service, for which he still recruits. In other respects he is at liberty to consult his advisers, individually or collectively, or not to consult them: and to take or reject their advice.

There are many other provisions in the act, but I need only refer to those which directly concern the service. The old principles have all been maintained. No officer may be dismissed till he has been heard in his defence, or by any authority lower than that which appointed him. He has a right of complaint to the governor-general or governor, a right of appeal to the secretary of state. His salary, allowances and pension, with any sums due to his dependants, are non-votable. Further, the secretary of state must make rules to determine the posts to be reserved for the service, which rules must be laid before parliament; and also rules governing pay, leave, pensions, and rights to medical attendance. No new rule can reduce the rates of remuneration or pension, in the case of an officer already in service when the act began, below the rates in force at the time when the rule is made: and in the case of a new recruit,

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below the rates in force at the date of his appointment. The secretary of state alone can award a pension lower than the maximum allowable: and he has plenary power to award compensation to an officer whose conditions of service have been adversely affected by anything done under the act. Appointments to the reserved posts, promotions, grants of long leave, and suspensions are all matters to be decided by the governor-general or governor in the exercise of his individual judgment. A public service commission is available to give advice in a variety of important matters. More generally, the protection of the rights and legitimate interests of civil servants and their dependants is one of the special responsibilities both of the governor-general and governor: and in exercising his individual judgment in respect of this as of other special responsibilities, the governor is under the general control of the governor-general, and the governor-general under that of the secretary of state. The chain of protection is complete. All the old safeguards, and some new ones, are there—all the stronger because they are definitely laid down in a statute which can only be altered by parliament.

During the course of the lengthy discussions on the new constitution, there was manifested, both in England and India, a feeling of uneasiness lest Indian politicians, when they came into power, should take action prejudicial to the legitimate interests of the British members of the service—for instance, by reducing their salaries or pensions, or by keeping them out of selection posts, such as those of secretary or head of a department, in favour of their Indian colleagues.

It is true, of course, that even politicians of moderate views have often expressed the opinion that the service is overpaid, and that the administration is topheavy. They have also often expressed a desire that more Indians should be appointed to selection posts. It is probable that—if they

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have the power—they might be tempted to reduce the salaries, perhaps even the pensions, at all events of new entrants to the service, and to appoint a disproportionate number of Indian officers to selection posts. But the service safeguards incorporated in the act stand in the way. In the case of an officer already in service at the commencement of the act, no authority lower than parliament can reduce salary or pension: in the case of an officer appointed after its commencement, no authority lower than the secretary of state can do so: and even his power of reduction is limited, for he can only reduce an officer's salary if the rates have been raised since the date of his appointment, and then only to the rates which were in force at that date. No minister can interfere: no legislature can interfere—either directly by way of legislation, since a bill to regulate the service's emoluments would be void, as amending an act of parliament, namely the Government of India Act itself: or indirectly by refusal of supply, since the service's emoluments are not votable. As for selection posts, the final decision regarding appointments to these, as to all reserved posts, rests with the governor-general or governor, as in practice it did under the former constitution. It is possible, indeed, that when the numbers of Indian and British members of the service have become equal, there will be more Indian and fewer British officers appointed to these posts: but that will happen merely because more Indian and fewer British officers will be qualified by seniority to hold them.

Some critics have suggested that an Indian ministry, as the result of financial mismanagement, might be unable to provide money for the salaries and pensions of the service: or as the result of deliberate default, might refuse to provide it, even if it were available. They do not realize how relatively small these charges are. Some years ago, the total cost on account of the salaries and pensions of the

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European members of *all* superior civil services was calculated to be 4 per cent of the total revenues of India, of which perhaps 1 to $1\frac{1}{2}$ per cent represented the share of the Indian civil service; though now that the number of European civilians has been greatly reduced, it must be less even than that small figure. If Indian finance were unable to meet so small a sum, then it must indeed be in a parlous condition. And if it were, then much larger and more important charges would also be involved—those for defence, for instance, and the debt charges. The governor-general in the exercise of his special responsibility for the financial stability of India, both the governor-general and the governor in the exercise of their special responsibility for protecting service rights, would be justified in demanding additional taxation, or even the raising of a loan, to meet these charges: and if the legislature refused, they would further be justified in securing additional taxation or a loan by passing an act of their own.

As for deliberate default, it is true that extremists in the past have talked at large of repudiating debt, and might also repudiate their liability for paying salaries and pensions. It seems unlikely that they will try to make good their threats, for if they did, India's credit would be gone. She could never again raise a loan in any money-market, except at a prohibitive rate of interest; and her administration thereafter must be run on a C.O.D. basis. But in any case, such default would be part of a campaign to destroy the constitution: and governor-general or governor would quickly be compelled to proclaim a breakdown, and take over the administration.

In short, the rights and legitimate interests of the civilian of the future are no less safe, possibly safer, under the new constitution than they were under the old.

It is true that the position of the civilian of the future will differ considerably from that of his predecessor of

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twenty years ago. Where his predecessor took action, he must ask for orders: where his predecessor gave orders, he must advise. 'The civilian who used to serve by ruling, must learn to rule by serving.' He will be, in short, in the same position as the Brahman ministers of old Aryan kings, or as the Peshwas of the Maratha rajas. But they made history, and so will he. And if his advice be not taken, the blame will not be his. He will be in the position of the mother who, having warned her son not to eat green apples, said, when she found him doing so, 'Do not come to me if you get a pain: it will be entirely your pain.' And if his advice was right, he need not fear that it will be rejected a second time. 'Experience keeps a dear school'; but she is an efficient teacher.

Further, though his position may be different from that of his predecessors of twenty years ago, it will not differ greatly from that of his immediate predecessors. Under the dyarchical constitution the district officer had already lost a part of his authority, especially in the sphere of local self-government; and he was already at the mercy of legislators yearning for knowledge. He has ceased to be the kindly despot of former days; he has become the trusty servant. But so long as he seasons his advice with a spice of tact, he still remains as influential as he ever was—especially with the people, who still look on him as the chief arbiter of their destinies. For their legislative representatives come and go; but he is the man on the spot, with eyes to see what they want him to see, and ears to hear what they want him to hear.

And so the new civilian will find himself in the company of men who have already learnt the tricks of the new trade, who have already adapted themselves to the new conditions, and who can both show him the tricks and teach him adaptability. He will, indeed, learn from them to praise old times; for in India more than any other country,

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it is the habit of man to look on the present as good, the past as better, and the future as bound to be bad. He will also learn from them to assert, long and loud, that the service is going to the dogs; but he, like them, will take care that the service never gets there.

The new constitution is bound to increase work, not only for the civilian but for other services. To carry out elections for thirty-five million voters must strain the resources of the districts to the utmost. For every two legislators who moved resolutions, or asked questions, there will now be five. And new ministries will set themselves to devise new schemes of improvement. It seems certain that both the staff of the districts and the secretariats must be increased by expanding the cadres of the Indian and provincial services, especially if the district staff is to spend more time in camp.

Under the new constitution, the new civilian is losing one important post at present reserved for him—namely, the membership of the governor's executive council. This, however, though it may put him a worse position than his immediate predecessor, will in most provinces only put him in the same position as that of his predecessors of twenty years ago, for in most provinces this post only came into existence with the Montagu-Chelmsford reforms. And in its place a new post will be available to him—that of secretary to the governor.

Meantime, let him count the blessings as well as the misfortunes of the present in which he lives. He need no longer fear the scourges of malaria, cholera, and other similar diseases; for is he not taught hygiene before he ever goes to India, and are there not public health officers to see that he puts his knowledge into practice? He will have a refrigerator instead of an ice-box; an electric fan and lights instead of a *punkha* and the old oil-lamp; a motor-car instead of a *tumtum* (dog-cart); and roads are less bad than

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they used to be. The improvement in communications has brought him much closer to his people at home; as a result of the passage concessions, he is able to take leave much more frequently. And the sport of India will remain unaffected by any constitutional change.

Finally, for the present situation the civilian has nobody but himself to thank. He has constantly and consistently laboured to produce conditions in which he could divest himself of his own authority, and hand it over to others. Ever since Lord Ripon's time, he has been presented with one administrative problem after another to solve, with one measure of progress after another to set, and keep, working. He has never yet failed in his task. And the result is an all-India federation of autonomous provinces. Merely one more administrative problem to solve; merely one more measure of progress to set, and keep, working. He will no more fail in this task, than in those others.

But since the constitution is built on a British model, British standards of administration must be maintained. For the maintenance of those standards, the British element in the service is responsible. And that element is now to be reduced. In future, quality must make up for quantity. If the biggest experiment in constitution—making that even the British parliament has ever attempted is to succeed, then Britain must send to India the best men that she has got.

APPENDIX

Burma

As has already been stated, Burma will henceforth be separated from India. It has a constitution of its own, embodied in the Government of Burma Act of 1935. By this constitution the powers given to the governor-general and the provincial governor in India are combined in the hands of the governor of Burma; whilst in all legislative matters the Burmese legislature possesses in full the authority given to both the federal and provincial legislatures. In some respects Burma is thus better off than an Indian province, for its legislature deals not only with some, but with all legislative matters; whilst in the absence of the complexities that exist in the all-India federation, it seems likely that the constitution may give birth to more effective responsible government than in India.

As in India, the governor is the chief executive authority, and will be aided and advised by a council of ministers. He will, however, act in his discretion in matters of defence, external and ecclesiastical affairs, the control of monetary policy, currency and coinage, in respect of the Karen states which are not British territory, and in respect of certain backward areas. He will, like the governor-general, have up to three counsellors to assist him with the administration of these subjects, and like him, may also appoint a financial adviser and an advocate-general. He also possesses the powers of an Indian provincial governor

Burma

in respect of certain matters connected with law and order, whilst his special responsibilities, *mutatis mutandis*, are those of the governor-general.

The legislature is bicameral. The lower house, called the House of Representatives, has a life of five years, and consists of 132 members; there are ninety-one general seats, whilst twenty-five are reserved for minorities (Karens, Indians, Europeans and Anglo-Burmans), and sixteen for representatives of special interests—namely, commerce and industry (eleven), Indian and non-Indian labour (two each), and one for the university. The franchise has been widely extended. The upper house, called the senate, is not as in India a permanent body, but has a life of seven years: it consists of thirty-six members, of whom half are elected by the house of representatives on the system of proportional representation, and half are nominated by the governor. In all other matters, there is close similarity between the provisions of the Government of India Act and the Government of Burma Act, but there is, of course, no federal court; appeals on the interpretation of the act, or of any order in council made under it, go to the privy council.

The service has protection as fully effective as the services in India. The secretary of state is to recruit for class I of the Burma civil service, which will correspond to the Indian civil service. There will be a separate secretary of state for Burma, but the post will be held by the same minister who is secretary of state for India. He will have one to three advisers for Burma, one of whom must be a person who has held office for at least ten years under the Crown in Burma, and has not last ceased to perform his official duties in Burma more than two years before the date of his appointment. Recruitment for class I of the Burma civil service in London will be by means of the same examination as that for the Indian civil service.

Burma

The existing rights and future position of officers of the Indian civil service who are at present in service in Burma, and remain there after separation, are as fully safeguarded by the provisions of the Government of Burma Act as are those of their fellows in India by the Government of India Act.

Glossary

Adalat: Law court.

Adawat: Feud; vendetta.

Aurang: Company's upcountry factory.

Badmash: Bad character; habitual criminal.

Bahikhata jinsi: Account-book of payments of grain-rent.

Baniá: Merchant; shopkeeper; moneylender.

Bat: Literally, speech; language; also, thing; circumstance.

Batai: Division.

Bhishti: Muhammadan water-carrier.

Bhut: Evil spirit; ghost.

Bigha: Measure of land. (A standard bigha is five-eighths of an acre, but there are many local bighas of various sizes.)

Bobbery: Noise; noisy. (Anglo-Indian slang, from Hindu-stani exclamation 'bapre', meaning 'Oh, father!')

Brahmā: Supreme essence; the absolute.

Brahmā: Supreme being; first deity of the Hindu trinity.

Chaktarāsh: Soil classifier; literally, he who cuts out plots (sc. of land on the map).

Chaprassi: Orderly; messenger.

Chauki: Outpost; police especially.

Chaukidar: Guard; watchman; village policeman.

Churel: Ghost of a woman who has died in childbirth.

Dak: a small tree, which grows thick in *kadir* country.

Dastak: Pass; permit; licence.

Dhobi: Washerman.

Diwan: Finance minister; literally, a royal court or tribunal.

Glossary

- Diwani: (1) Jurisdiction of a finance minister; (2) civil (as opposed to criminal) law or law-court.
- Dofasli: Land yielding two crops a year.
- Ekfasli: Land yielding one crop a year.
- Farman: Order; edict; decree (usually royal).
- Faujdari: Criminal.
- Ganth-khulai: Opening the pocket; literally, loosing the knot in the loin cloth in which valuables are tied.
- Gauhatya: Cowkilling.
- Ghardamada: A 'beena' marriage, where the bridegroom serves in his bride's father's house for a time before he marries her; literally, 'house son-in-law'.
- Gharib-parwar: Protector of the poor.
- Gharjanwai: A synonym of ghardamada, *q.v.*
- Girdawar (kanungo): Supervising (kanungo); literally, 'he who goes round', *sc.* to inspect.
- Goind: (In one type of soil classification) the best land, as nearest to the village site.
- Gumashta: Agent; factor.
- Hakim: Magistrate; officer; (with pargana), subdivisional officer.
- Hamara: Our.
- Hatya: Guilt; sin.
- Hukka: Pipe, with apparatus by which the tobacco is smoked through water; hubble-bubble.
- Hukm pichhe: 'Order later.'
- Idgah: A building for Muhammadan congregational prayer.
- Jagir: Rent or revenue-free grant; freehold estate.
- Jamabandi: Record of payments of (cash) rents.
- Jemadar: Indian officer of infantry (with rank equivalent to lieutenant, but with a viceroy's commission).
- Kadir: Low alluvial land near a river (correctly, khadar).
- Kankut: Appraisement of yield of a standing crop.

Glossary

- Kanungo: (1) Registrar of a pargana under Mogul rule; (2) a revenue officer. (With girdawar, or supervising) an inspector of patwaris.
- Karkun: Village accountant; keeper of village revenue records.
- Karnam: A synonym of karkun, *q.v.*
- Katha: Story; recital (especially of a sacred poem).
- Khairkhwah-sarkar: Well-wisher of government.
- Khasra: Field book.
- Khatauni: Classified list of holdings.
- Khewat: Records of proprietors and proprietary shares of a village.
- Khidmatgar: Table servant; literally, servant.
- Kulkarni: A synonym of karkun, *q.v.*
- Lambardar: Village headman (in northern India).
- Ma bap: Mother (and) father.
- Mali: Gardener.
- Mamlatdar: Name (in Bombay) for the officer in charge of a taluk or tahsil, *q.v.*
- Mauza: Village (as a local revenue unit).
- Memsahib: Name for a European married lady. (Mem is a corruption of madam.)
- Miyana: *See* goind; the second-best land.
- Mofussil: (1) Country, as distinct from town; (2) rest of district (province), as distinct from its headquarters (capital). With diwani' (nizamat) adalat, it means the district civil (criminal) court. (Correctly, mufassal.)
- Munshi: Tutor; teacher (especially of Persian and Urdu).
- Munsif: A judicial officer (civil).
- Naib: Deputy.
- Naik: Indian non-commissioned officer (with rank equivalent to corporal).
- Nazr: Offering; gift (to a superior).
- Nizamat: Criminal.

Glossary

- Padre: An Anglo-Indian term for a Christian priest of any denomination.
- Pakhadi: (Nearest English equivalent), parish; hundred; literally, wing of a village.
- Palo: *See* goind; the worst land.
- Panchayat: Body of five persons; name for a village or caste council.
- Pargana: (1) Administrative subdivision of the Mogul empire, usually translated district; (2) subdivision of a tahsil. (With hakim), subdivisional officer.
- Pariah: The name of a low caste in southern India; also a general name for members of the lowest castes.
- Parwana: Warrant; authority; certificate (always as document).
- Patel: Village headman in Bombay.
- Patta: Title deed; lease of land.
- Patwari: A synonym of karkun, *q.v.*
- Peon: Messenger; guard; orderly.
- Peshi: Submission (of document to superior).
- Peshkar: Judicial officer's 'reader'; a court clerk.
- Punkha: Fan.
- Rahdari: A road tax; a transit toll.
- Raj: Kingdom; dominion.
- Reddi: ~~Village headman in South India.~~
- Risaldar: Indian cavalry officer (with viceroy's commission).
- Ryot: Cultivator; tenant (correctly raiyat).
- Ryotwari: Name of a particular kind of village; assessment; settlement (*see* Chapter VII); literally, appertaining to a ryot.
- Sadr: Headquarters of a town or district. When used with diwani (nizamat) adalat, means chief civil (criminal) court of a province.
- Sadr amin: Name of a subordinate judicial officer.
- Salamat: Form of greeting (equivalent to salaam); literally, safety; salvation.

Glossary

- Sanad: Mandate; patent; grant (in writing).
Sarkar: Master; lord; government. Also a subdivision of
Mogul empire, as in 'Northern Circars'.
Sarraf: Moneychanger; banker.
Sawalkhana: (Daily) receipt of petitions by an officer.
Sayar: Income from land other than rent.
Shikari: Hunter.
Siaha: Cash book.
Subadar: Indian officer of infantry (with rank equivalent
to captain, but with viceroy's commission).
Swaraj: Self government.
Syce: Horse-groom.
Tahsil: Name of a subdivision of a district.
Tahsildar: Officer in charge of a tahsil.
Taluk: A synonym of tahsil in some provinces.
Thana: Police-station.
Thanadar: Officer in charge of a thana (usually a sub-
inspector).
Tumtum: Dog cart (Anglo-Indian term, of unknown
origin).
Uthna baithna: Rising (and) sitting.
Zamindar: (1) (In Bengal till 1793), revenue farmers; (2)
landlord; landowner.
Zamindari: (1) (In Bengal till 1793), a farm or contract
for payment of revenue; (2) landed property; (3)
name of a particular kind of village; assessment;
settlement (*see* Chapter VII); literally, appertaining
to a zamindar.
Zenana: (A man's) wives or womenfolk; women's apart-
ments. (Correctly, zanana.)

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